and close this Session after the consideration of the Sales Tax Bill and we may take up the remaining Bills, if any, at another Session, if the Government is really anxious to pursue those Bills.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I am very sorry for the remarks made. Every piece of work that is brought before the House is important and Government does not make any preferences between one kind of work and the other or between this Bill and another Bill. All Bills are important and as Hon'ble Members are aware very important measures have been under the deep consideration of this House. There is no question of discrimination. If it is the desire that we should not prolong this Session but should stick to our programme, Government will certainly consider the matter and after consultation with the Hon'ble the Leader of the House, the Speaker and the Opposition Leader, shall come to a decision after lunch.

Sri J. MOHAMED IMAM.—I may suggest, Sir, that we have been meeting here for 50 days and supposing we do not close the Session but prolong it, the public also will lose interest, and, apart from that, we have to attend to our other business. Some of us are lawyers and we have to attend to court work and some of us have to attend to agricultural work and therefore I suggest that Government may give us at least some three months' time.

Mr. SPEAKER.—The Hon'ble Minister has taken all these points into consideration and perhaps will be in a position to announce his decision after lunch.

NOW CONSIDERATION OF BILLS.

MYSORE SALES TAX (AMENDMENT) BILL, 1954.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move :

"That the Mysore Sales Tax (Amendment) Bill, 1954, as reported by the Select Committee, be taken into consideration."

In moving this motion, Sir, I wish to make just a few remarks. The Committee sat at five meetings and except on one day or so, all the members were present. The Bill was very deeply discussed by the Committee and I am very glad that the Committee has come to unanimous conclusions on the heated issues which were discussed in this House for a number of days. That is a happy feature about the Select Committee Report. Sir, among the amendments that the Select Committee have proposed, some taxes have been altered, some have been reduced and other aspects of the case have also been considered.

Two other questions came up which the Committee could not decide at the time because they felt that any suggestion or any amendment would be beyond the scope of the original Bill itself, and would not be constitutional. Therefore, at the end, we have recommended among other things that the recommendation made by the Sales Tax Committee, namely, setting up an Advisory Board and an Appellate Tribunal may be brought up as special amendments later and that need not be incorporated in the Report. In fact, that point was discussed and the feeling was that it may not be right to introduce that provision among the clauses considered by the Select Committee. With these words, I commend the report of the Select Committee for the acceptance of the Hon'ble House.

Mr. SPEAKER.—Motion moved :

"That the Mysore Sales Tax (Amendment) Bill, 1954, as reported by the Select Committee, be taken into consideration."

Sri S. SRINIVASA IYENGAR (T.-Narasipur).—May I be permitted to seek a clarification ? I am a Member of the Select Committee. Under the principal Act Government had issued a notification containing the names of the articles that have been exempted from sales tax. I want to know whether

(SRI S. SRINIVASA IYENGAR.) Schedule III agrees with this, because I notice some omissions; certain articles that were exempted under the principal Act have not been brought under the present Bill.

Sri A. G. RAMACHANDRA RAO.—I shall examine that position and let you know.

Sri S. SRINIVASA IYENGAR.—For (*a*) the single point levy was six pies, but it is printed as nine pies. I want to know whether the recommendation of the Sales Tax Committee was six pies or nine pies. Then, on 'paper' it was recommended as six pies; here it is one anna. The other thing is, Schedule II has been referred to in the body of the Bill but Schedule II is not contained in the Appendix. I want to know whether it would be introduced later by Government or whether it would not be introduced at all.

Sri A. G. RAMACHANDRA RAO.—Sir, in the Report itself Schedule II is renumbered as Schedule I. In the principal Act there is a Schedule simply called a 'Schedule'. That will become Schedule II and the Schedule II will be renumbered as Schedule I, and Schedule III will remain as Schedule III. Regarding the other minor points I will let you know.

Sri S. SRINIVASA IYENGAR.—I believe that the Sales Tax Committee agreed that six months' time will be given for the defaulters to pay the arrears; in the Bill the time limit is left unaltered. I want to know whether this six months' period will be mentioned in the rules or it would be brought in the Act.

Sri J. MOHAMED IMAM (Jagalur).—I have sent some amendments.

Mr. SPEAKER.—Yes, they are there.

***Sri K. PATTABHIRAMAN** (Kolar).—Is it possible for you to tell us under each item what exactly it will bring to the Government as a result of this amendment as compared to what it was under the old structure?

Sri A. G. RAMACHANDRA RAO.—I ascertained from the department the very thing that the Hon'ble Member has pointed out. We get six lakhs or so, less than what was estimated by this amendment. I did not ascertain item by item.

Sri K. PATTABHIRAMAN.—Possibly I have not made myself clear. Now we have this new structure of Sales Tax Bill before us. There was an old Sales Tax Bill formerly which was bringing an income to the tune, if I can remember aright, of one crore and twenty lakhs in the peak year. To-day you have got a new Bill under a new structure as reported by the Select Committee. I want to know in general terms the income as compared to what it was bringing before this Bill came before us. What is the result? Does it mean an appreciable increase or decrease? If so, to what extent in each case?

Sri A. G. RAMACHANDRA RAO.—As mentioned by the Hon'ble Member, under the existing Act roughly about 140 to 150 lakhs we used to get. The principal object in this Bill was to eliminate difficulties of the dealers and while doing so an additional taxation to be levied on hotels and textiles was considered. Now, under the Report of the Select Committee, it would be about six lakhs less. But so many other factors are to be taken into consideration.

Sri P. R. RAMAIYA (Basavangudi).—With regard to section 8 of this amended Act, I have some doubts which are to be cleared. The section says:

> "No person, other than a registered dealer liable to the payment of tax under sub-section (2) of section 3, shall collect any amount by way of tax under this Act..."

Here you have specified registered dealers. Registered dealers are those whose annual turnover is Rs. 7,500 and above. You say, 'no person other than the registered dealer.' So, only registered dealers will be enabled to collect. But, what about those people whose annual turnover is less than Rs. 7,500? Supposing they are selling articles which come under the Schedule; what is their position? Will they not collect?

Sri A. G. RAMACHANDRA RAO.—No, he cannot. But if he sells things coming under single point tax and if

he wants to recover that, the must become a registered dealer ; otherwise he cannot.

Sri P. R. RAMAIYA.—Therefore, in order to obviate this difficulty, will it not be advisable to register all dealers? If one dealer collects and the other dealer does not collect, the dealer who is not collecting the Sales tax will attract more customers naturally. Therefore, there is a flaw in this section because it discriminates between dealer and dealer.

Sri A. G. RAMACHANDRA RAO.—No person is barred from becoming a registered dealer whether his total turnover is less than Rs. 7,500 or exceeds that amount. The difficulty which you are visualising is not practical and will not arise.

Sri P. R. RAMAIYA.—I think that point will have to be made clear to the dealers so that they might have the advantage of this system of collection.

The next point is :

> "...nor shall such registered dealer make any such collection except in respect of the sale or purchase of the goods specified in Schedule I and except in accordance with such conditions and restrictions, if any, as may be prescribed."

1-30 P. M.

Now a registered dealer cannot make any collection except in respect of the sale or purchase of the goods specified in Schedule I and except in accordance with such conditions and restrictions, if any, as may be prescribed. This is a new restriction imposed, which I do not find in any other State in India. ಉದಾಹರಣೆಗೆ, ಕೊತ್ತಂಬರಿ ಬೀಜ ಮತ್ತು ಹುಣಿಸೇ ಹಣ್ಣು ಈ ಪದಾರ್ಥಗಳ ಮೇಲೆ Sales tax ವಸೂಲಿಯನ್ನು ಯಾರಿಂದ ಕೊಳ್ಳುತ್ತಾರೆಯೋ ಅವರಿಂದ ವಸೂಲುಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದು ಮಾಡಿರುತ್ತೀರಿ. ಈ ರೀತಿ restriction ಇಂಡಿಯಾ ದೇಶದಲ್ಲಿ ಎಲ್ಲಿಯೂ ಇಲ್ಲ. ಇಂಥ ವಿಚಾರದಲ್ಲಿ ವರ್ತಕನಿಗೇಕೆ ಅವಕಾಶ ಕೊಡಬಾರದು, ಏಕೆ ಈ ನಿರ್ಬಂಧ ಹಾಕಬೇಕು ಎಂದು ಅಲ್ಲಲ್ಲಿ ಕೇಳಿ ಬರುತ್ತಿದೆ. ಆದುದರಿಂದ ಈ ವಿಚಾರವನ್ನು ಸ್ವಲ್ಪ ಯೋಚಿಸಬೇಕು. ಈ ವಿಚಾರವು ಸಮಿತಿಯವರ ಗಮನಕ್ಕೆ ಏಕೆ ಬಂದಿಲ್ಲವೋ ಗೊತ್ತಿಲ್ಲ. ಈ ವಿಚಾರವು ವರ್ತಕರ ಮನಸ್ಸಿಗೆ ನ್ಯಾಯವಾಗಿ ಕಂಡುಬಂದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ತಮಗೇಕೆ ನ್ಯಾಯವಾಗಿ ಕಂಡುಬಂದಿಲ್ಲವೆಂಬುದನ್ನು ತಿಳಿಸಿದರೆ ತಿಳಿದುಕೊಳ್ಳಲು ಸಿದ್ಧ.

In the Report it is said—

> "In respect of canteens attached to factories and other institutions where articles of food and drink are sold to the persons employed in the factory or members of the institution, we consider that no tax should be levied. We have accordingly made provision in clause 4 for this purpose."

And in clause 4 you have stated—

> "In section 5 of the principal Act (1) throughout the section the word, brackets and figures 'sub-section (1)' shall be omitted.

(3) for clause (iii) the following clause shall be substituted, namely.—

> (iii) the sale of articles of food and drink.
>
> (*a*) by a club to its members, or
>
> (*b*) in a canteen attached to a factory, industrial concern, or other institution, to the persons employed in such factory or industrial concern or to the persons who are members of such institution, as the case may be, shall be exempt from taxation under section 3."

This is discriminatory. ಇವರೂ ಸಹ ಮುಫತ್ತಾಗಿ ತಿಂಡಿ ಕಾಫಿ ಕೊಡುವುದಿಲ್ಲ. ಹೀಗಿರುವಲ್ಲಿ ಕ್ಲಬ್ ಅಥವಾ ಕ್ಯಾಂಟೀನ್‌ಗೆ ಏಕೆ ವಿನಾಯಿತಿ ಕೊಡಬೇಕೆಂಬುದು ಸ್ಪಷ್ಟವಾಗಿಲ್ಲ.

Mr. SPEAKER.—The point is this. At this stage any general remarks are allowed. But the Hon'ble Member is going on clause by clause. That is the next stage. After the motion to consider the report is adopted, we can go on clause by clause.

Sri P. R. RAMAIYA.—I am not discussing this Bill clause by clause. There are some doubts. My remarks are general. I am not going clause by clause. Of course when that time comes, I may also deal with the subject. But here I refer to the glaring doubts. Why should there be an exception made in respect of these clubs and canteens ? You may levy the tax on them as you levy on others. Moreover, these canteens and clubs generally are not confined to only club members. Outsiders also will be going there. At times, some discrimination

(SRI P. R. RAMAIYA.)

will be made between the clubmen and others. I therefore suggest that this discrimination should be removed. I do not find any difficulty if the clubmen and canteens pay Rs. 75 a year. I think they should pay Rs. 75. That amount is a flea-bite to them. While that is the case, why should there be exemption to them? In Bangalore and also in all other parts of the State I think it would be fair, and would not be discriminatory, to bring in these clubs and canteens also under the operation of the Sales Tax Act. There should be no exemption given. I want clarification with regard to the point which I have raised.

Mr. SPEAKER.—You can finish your general remarks. Is that all?

Sri P.R. RAMAIYA.—Yes, that is all.

***Sri M. LINGANNA** (Nanjangud).—The Select Committee Report as presented by the Member in charge of the Bill has emerged after full and frank deliberations of the Committee in five sittings. If I may be permitted to say so, this is the third transformation of the sales tax structure of the State. It should have been more useful and probably I would not have been tempted to speak on this occasion if the Minister in charge of the Bill had summarised the distinct changes the Select Committee has made in relation to the original amending Bill.

Sri A. G. RAMACHANDRA RAO.—The entire Report is in the hands of Hon'ble Members.

Sri M. LINGANNA.—Yes, the entire Report is before the House. I do not deny that. But still in what respects the Select Committee has improved upon the original amending Bill, if that had been stated, it would have been a sufficient cause for some of us not to have been called upon to speak on the Report of the Select Committee. But anyway, even granting that the Minister in charge of the Bill had supplied so much of information none of us could have been prevented from expressing...

Sri A. G. RAMACHANDRA RAO.—I do not object at all.

Sri M. LINGANNA.—The Select Committee had the opportunity of listening to so many interests who were involved in business. It had the opportunity of hearing as many as 89 interests representing many sections of the business world. And after hearing all those representatives, the Select Committee has come to the conclusion which, probably except for one or two items, is to be welcomed in general. But the main important relief that the Select Committee has given to the merchant world is in regard to section 3 wherein the rate has been to a certain extent reduced and also the number of slabs. There were six slabs and it has been reduced to three slabs. The original amendment proposed is as follows.—

"(b) The tax shall be calculated at the following rates:—

	Rate of Tax—per annum. Rs.
(1) In the case of every dealer having a turnover of Rs. 7,500 and above up to Rs. 10,000.	25
(2) In the case of every dealer having a turnover of or above Rs. 10,000 up to Rs. 12,500.	75
(3) In the case of every dealer having a turnover of or above Rs. 12,500 up to Rs. 15,000.	100
(4) In the case of every dealer having a turnover of or above Rs. 15,000 up to Rs. 17,500.	125
(5) In the case of every dealer having a turnover of or above Rs. 17,500 up to Rs. 20,000.	150
(6) In the case of every dealer having a turnover of or above Rs. 20,000.	Rs. 150 per annum for the first Rs. 20,000 and Rs. 75 per annum for every additional Rs. 5,000 or part thereof."

That was the original amendment. There were six slabs. The Committee thought that by this arrangement the evasion of tax would be so great that the purpose intended by the particular amendment would not be served and so they thought it fit to give only three levels at which the tax should be collected. And as per the decision of the Committee, the slab rates and also the number of slabs are reduced. The amended clause as per the Report of the Committee reads thus :—

"(*b*) The tax shall be calculated at the following rates :—

(1) In the case of every dealer whose total turnover is Rs. 7,500 and above, but not exceeding Rs. 10,000.	Rs. 25 per annum
(2) In the case of every dealer whose total turnover exceeds Rs. 10,000 but does not exceed Rs. 25,000.	The rate specified in item (1) on the turnover not exceeding Rs. 10,000 and two pies in the rupee on the turnover exceeding Rs. 10,000.
(3) In the case of every dealer whose total turnover exceeds Rs. 25,000.	The rate specified in item (2) on the turnover not exceeding Rs. 25,000 and three pies in the rupee on the turnover exceeding Rs. 25,000."

Sir, here the rate which the Select Committee have suggested is two pies in the rupee. I believe it is not very inconvenient for the merchant concerned to keep accounts clean and also it is most easy for the officers concerned to take into account the total amount of turnover that each merchant has made in a particular year; that is also easy for inspection purposes. The third item that we have provided is like this :

"(3) In the case of every dealer whose turnover exceeds Rs. 25,000.	The rate specified in item (2) on the turnover not exceeding Rs. 25,000 and 3 pies in the rupee on the turnover exceeding Rs. 25,000."

This is an important change that the Select Committee has made and it is a change that should be welcomed not merely by the merchant class but also a change that should be hailed and welcomed by the Hon'ble Members of this House, because as I have remarked, the difficulty of inspection of documents and the difficulty of maintaining the accounts by the merchants and also the difficulty in collecting or in assessing the tax on turnover made by the merchants, will be completely avoided. And also the evasion that would have taken place if we had retained clause 3 as it was proposed by the amending Bill is completely or to a great extent minimised. So, Sir, from this point of view also the changes that have been made by the Select Committee have to be welcomed.

The next item, an item upon which probably much agitation was carried on on a State-wide level is the turnover tax that was levied on the hotel proprietors. Sir, not only in the State of Mysore that agitation was carried on; I hope I am correct when I say that this agitation was carried on on an All-India basis. Sir, I for one do not hesitate to say that the tax that is levied on the hotels is justifiable. But there may be difference of opinion so far as the rate at which the tax has to be levied. The rate of tax that was proposed by the amending Bill was a tax to be calculated at 10 per cent on such turnover. But here the Select Committee also took into view the representation that was made to it by the concerned business people; it also took into consideration the amendments that were proposed or that were intended to be moved by the Leader of the House in regard to the levy of tax on hotels, and taking into consideration

(SRI M. LINGANNA.)

all these factors, the Select Committee has provided the slab ; and at this juncture it would not be out of place if I were to refer to suggestions made by the Working Committee of the Mysore Congress Committee who had also suggested a slab rate so far as this particular item of business was concerned. The Select Committee took that suggestion into view and finally decided upon the rate of tax that should be levied on the total turnover of hotels as follows :—

"1. In the case of every dealer whose total turnover is Rs. 7,500 and above, but not exceeding Rs. 10,000.	75 per annum.
2. In the case of every dealer whose total turnover exceeds Rs. 10,000 but does not exceed Rs. 36,000.	The rate specified in item (1) on the turnover not exceeding Rs. 10,000 and three pies in the rupee on the turnover exceeding Rs. 10,000.
3. In the case of every dealer whose total turnover exceeds Rs. 36,000.	The rate specified in item (2) on the turnover not exceeding Rs. 36,000 and four and half pies in the rupee on the turnover exceeding Rs. 36,000."

Sir, a point may be levelled against the Report of the Select Committee that the tax levied so far as this business is concerned is too heavy. It may also be said that the lower level from which this tax should have been levied should have been raised to Rs. 10,000 and it might also be said that most of the articles involved in this business are articles of food which would come under exemption list. Sir, I would not have minded if the rate had been reduced. But taking into view that the Select Committee would reduce certain items of tax, there was no alternative for or against retaining the rates that we have provided in the Report. But here, Sir, one factor we have to remember in dealing with this business is that, because there is no proper control or sufficient or efficient control over this business by the local bodies, the hotels have increased by far in number and also the standard that should be maintained in every hotel in the State is not up to the mark.

MR. SPEAKER.—You were a member of the Select Committee. You have not given any dissenting note.

SRI M. LINGANNA.—Even then, I can generally speak on the merits of any point covered by the Select Committee and I can also change my views. Nothing prevents me from changing my views. I think there is also a decision supporting this, by the President of the Legislative Council some years ago.

MR. SPEAKER.—That is all right. But ordinarily a member of the Select Committee will not do that.

SRI M. LINGANNA.—Here I am not dissenting from the decision of the Select Committee. I am generally upholding the views of the Select Committee. I only request that I may be given a patient hearing.

Sir, the state of affairs so far as hotels are concerned is not so happy. I would have welcomed if a different measure were to be followed so far as this business is concerned. I am firmly of the opinion that the number of hotels should be reduced and they should be completely managed if necessary by the State ; and in case it is found practicable and profitable to nationalise this particular trade, the number of hotels in each area should be fixed on the basis of population of that region and they should be auctioned. By means of such arrangement at such level, I hope that the state of affairs that is now prevailing so far as this industry is concerned can be improved. But this is a big policy matter over which I do not want to dilate. But I wish to submit that the rate of tax that is being levied as proposed in the Report of the Select Committee is one which

should be acceptable to the merchant class and it should be generally welcomed by the Members of this House.

Sir, in regard to the other aspects of the report of the Select Committee, one salutary effect of the debate that we had on the amending Bill was that the Select Committee was forced to provide a Schedule of articles which were exempted and you will find that Schedule providing for exemption of as many as 28 articles. I also see that some amendments have been tabled by Hon'ble Members that some more items should be exempted and I do believe that some of them are worthy of consideration. But that apart, Sir, it is a thing that should be welcomed that the Select Committee provided for a Schedule III in which aricles to be exempted from sales tax are clearly mentioned. So far as Schedule I is concerned, in which names of articles subject to tax at single point are enumerated, we have been able to convince the Minister concerned that some of the taxes should be reduced as per the opinion prevailing at the time of the general discussion on the amending Bill and also as per the unanimous opinion of the Select Committee. Hon'ble Members should observe that we have reduced the tax on medical preparations from 1 anna to 6 pies and also the tax on *Agarabathi* from 1 anna to 6 pies. I find, Sir, that there are some amendments brought up relating to tax on certain articles, such as, beedis and others. Sir, speaking generally, I should say that Schedule I and the consequential changes that we have made therein are generally to be welcomed. So far as other amendments are concerned, I find there is a very helpful amendment proposed to clause 3 (2) (*b*) and at this stage I submit that that amendment is worthy of consideration, and to that extent I say that I have made up my mind to differ from the decision that was taken by the Select Committee.

MR. SPEAKER.—It is dated 14th April 1954 and today you want to differ? Of course, you are at liberty.

SRI M. LINGANNA.—At the very outset, I should have pointed out that the Select Committee have observed as follows:

"We consider that Schedule I should be amended by the addition of certain other goods, namely, refined oils sold in sealed containers, coffee, electrical goods, clocks and watches, matches and gold thread. A doubt has however been felt whether such an amendment would not attract the provision of article 207 of the Constitution and whether it is permissible for the Select Committee to recommend this amendment. In order to place the matter beyond all doubt, we consider it desirable that this change is effected by means of an amendment to be moved in the Assembly with the recommendation of the Rajpramukh as required by Article 207 and we express the hope that Government will do so."

MR. SPEAKER.—I was thinking of it, whether to allow it or not, because the recommendation of the Rajpramukh was not there. I just now received it and I wish to bring it to the notice of the House.

ORDER.

"In pursuance of clause (1) of Article 207 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore, do hereby recommend the moving of the following amendments to the Mysore Sales Tax (Amendment) Bill, 1954, in the Legislative Assembly and the consideration of the same by the said Assembly.

AMENDMENTS.

(1) After clause 8, the following clause shall be inserted and clauses 9 to 18 shall be renumbered as clauses 10 to 19:—

'9. *Insertion of a new Section 11-A in Mysore Act XLVI of 1948.*— After section 11 of the principal Act, the following section shall be inserted, namely.—

11-A. *State Government entitled to collect tax as registered dealers.*—

Notwithstanding anything contained in this Act, the State Government shall, in respect of any sale of goods effected by them, be entitled to collect by way of tax any amount which a registered dealer effecting such sale would have been entitled to collect by way of tax under this Act.'

(2) In Clause 16.—(i), in part I of Schedule I,—

(a) in item 10 after the words 'by whatever name called' the words 'and refined oils when sold in sealed containers' shall be added;

(b) after item 31 the following items shall be added,

'32. Coffee ...	Six pies(a)
33. All electrical goods, instruments, apparatus and appliances, including fans, and lighting bulbs, electrical earthenware and porcelain and all other accessories.	One anna (a)
34. Clock, time-pieces and watches and parts thereof.	One anna (a)
35. Matches ...	Three pies (a)

(ii) In part II of Schedule I, after item 7, the following item shall be added;

'8. Gold thread ...	One half per cent (a)

JAYA CHAMARAJA WADIYAR,
Rajpramukh of Mysore'."

2 P.M.

Sri M. LINGANNA.—Sir, before coming to the points, I would make a passing remark in regard to the sub-section (3) wherein we have provided for exemption of tax on articles of food sold by a club or canteen to members:

"The sale of articles of food and drink

(a) by a club to its members, or

(b) in a canteen attached to a factory, industrial concern or other institution, to the persons employed in such factory or industrial concern or to the persons who are members of such institution, as the case may be, shall be exempt from taxation under section 3."

Sir, one of the Hon'ble Members was vehemently arguing that how on earth could a club like the Century Club or the Cosmopolitan Club be exempted from the operation of section 3. He was also vehemently suggesting that even industrial canteens or canteens run by Educational Institutions should not be exempted. I wish to draw his attention to some of the decisions taken in the highest courts of law, for instance, in the Madras High Court (and I believe that one case is pending before the Supreme Court) they have clearly held that articles which are sold to its own members could not be subjected to any tax. In that case, those articles which would be purchased by that Club and which would be sold to its own members would not come under the definition of transaction. So, Sir, in view of the decision that the High Court has taken and also in view of the fact that after all the sale that would be made to its own members in any club for that matter, would not come up to such an amount as would be taxable and out of which the Coffers of the State would be swelled, I disagree with the suggestion made by him.

Sri P. R. RAMAIYA.—Supposing a club or canteen allows outsiders; then?

Sri M. LINGANNA.—Then, they will come under section 3. So far as industrial canteens are concerned, in the Industrial Canteen Act it is provided that the articles of drink and food are sold at lower rates. Such canteens are maintained for catering to the factory workers. The turnover will not be so much as to swell the coffers of the State by taxing such canteens. So, in pursuance of this particular factor the Select Committee thought it fit to exempt industrial canteens.

Regarding canteens of educational institutions, it is not merely in cities

like Bangalore and Mysore but in places like Nanjangud also such canteens are run by Middle Schools and High Schools. These are purely meant for the students there who come from outside the town. The Education Department is giving some grant also to such canteens, and the rest of the amount is made up by donations by the generous public and collections, etc. If such canteens are to be brought under the purview of the section, I am afraid the Report of the Select Committee would not be justifiable. Therefore, the recommendation of the Select Committee to exempt these canteens is to be welcomed.

About Section 18, Sir, there was some difference of opinion expressed by members and they have provided that, at the time of seizure and inspection, the officer should take the previous permission of the Magistrate of the first or second class having jurisdiction in such place. But, Sir, everyone of us knows that even in criminal cases which come under 302, I.P.C., persons who have nothing to do with the case concerned would be hauled up and even in such cases the Magistrates would easily give remand for the police officers. Likewise, here also, I am afraid, the Sales Tax Officer would get the permission of the Magistrate very easily. Anyway, the amending section as recommended by the Select Committee puts a check on the officers. So this point of view of the report is welcomed.

With regard to section 20, the prosecution side of the sales tax is to a certain extent minimised. The intention of the Legislature was that the merchants should not be harassed. It is only if a person refuses to submit accounts or refuses to pay, in such cases they should be prosecuted. It is within the knowledge of everyone of us that out of 100 cases of default the Sales Tax Officer would prosecute 99 cases. Now we have amended section 20 and the vigour of that particular provision is minimised.

The amendment to section 20, *i.e.*, clause 15 reads thus :

"(2) No court shall take cognizance of an offence under clause (*b*) of sub-section (1) except with the previous sanction of the Deputy Commissioner of the District, and no such sanction shall be granted (i) for the prosecution of a person who has been adjudged insolvent ; or

(ii) unless the Deputy Commissioner has reason to believe that the person liable to pay the amount, with intent to obstruct or delay the recovery of the amount,

(*a*) is about to leave the State; or

(*b*) is about to dispose of the whole or any part of his property ; or

(*c*) is about to remove the whole or any part of his property from the local limits or the jurisdiction of the Deputy Commissioner."

This provision is to be most welcomed not merely by the members of this House but also by the merchant class, because here you have provided that an insolvent should never be prosecuted because it was thought fit that there is no use in prosecuting a person who is almost penniless and it would be waste of efforts on the part of the Sales Tax Officer and also on the part of the court that its precious time is taken away. Further, prosecution should not be launched prior to the sanction of the Deputy Commissioner. Also he should not grant permission except on three occasions, namely, when the person liable to pay the amount is about to leave the State or is about to dispose of the whole or any part of his property or is about to remove his property from the local limits of the Deputy Commissioner's jurisdiction. We have provided for cases wherein stray merchants enter the Mysore State, remain here for three or four months and run away with the profits made in the Mysore State. For such merchants we thought it fit to make a provision preventing them from running away. Because it would be inadvisable to allow this class of persons to escape the clutches of law. So, sub-section (ii) provides for such class of merchants who try to evade tax by this practice of going from one State to another for trading in business

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lines. Secondly, we have provided for another class of merchants who would run away from the State or who try to evade paying all tax due by disposing the whole or any part of the property and also lastly we have provided that a person who attempts to remove the whole or any part of the property from the local jurisdiction with the sole intent of evading taxation, would be prosecuted by the Deputy Commissioner. So, the salutary effect of this particular amendment made by the Select Committee is generally welcome.

With regard clause 3 (2) (*b*), therein we have provided :

> "The State Government may by notification amend Schedule I by the addition of any other goods and specify the rate at which and the point in the series of sales at which the tax is payable in respect of such goods, subject to the condition that the rate of tax so specified shall in no case exceed one and half-annas on every rupee of the turnover; . . . ."

This authority that we have we will be handing over to Government. This little provision which is made in a taxation measure like this amounts to delegated legislation. For that matter, any provision made in any piece of legislation which would run like this would amount to delegated legislation. I submit in all humility that the method that is being followed in other democratic Governments, for example, in England, whenever delegated legislation is given to the hands of the Government would be that, whenever a notification is made as per the provision of any Act, then that notification shall be laid before the House and the House will be seized of the notification and in the light of the discussion in that House ......(*Interruption*) in the light of the discussion on that notification and also on the amendment made in the several clauses of the notification, to that extent the notification would stand amended or corrected, and then it would become part and parcel of the general Act. Of course, it is very difficult for us to go into details like rules and also it would amount in a way to waste of time. But nothing prevents the Government, after they make a notification to that effect as per provision of delegated legislation like this, from placing it before the House and taking its sense *in toto* or with amendment thereon. I believe this is the procedure followed in England so far as any piece of delegated legislation is concerned.

Also in a financial measure like this wherein we invest the Government with certain authority to raise any tax,—I am not speaking with any ill-will towards the Government but with the idea that we have to create a precedent so far as this piece of delegated legislation is concerned,—we are to a certain extent taking away indirectly the power of this House, because we entrust into the hands of the Government the power to add to Schedule I any article which would be subject to tax of one anna and a half. So, if this clause should be provided with another proviso to the effect that all notifications made as per this provision by the Government should be laid before this House and its sense should be taken, then it would be all right. So, except sub-clause (2) (*b*) of clause 3, I am in agreement with the Report of the Select Committee. Why I make bold to differ from the Select Committee Report is, I will openly say this, I was not present when this particular provision was discussed. I am also given to understand that an amendment was moved to that effect . . . .

MR. SPEAKER.—Why did you sign the report then ?

SRI M. LINGANNA.—Even granting that I have signed the report, nothing prevents a member of the Select Committee from differing later on from the Report of the Select Committee. There are precedents to that effect, and if time is given I will produce the particular precedents tomorrow to the Hon'ble Chair. So, I earnestly appeal to the concerned Minister that this particular provision should be amended. I believe it will be most welcome if the amendment by Sri M. V. Rama Rao is accepted wherein all that

is asked for is to place before the House every notification issued under this clause so that it may be subject to such modifications as may be made by this House.

Sri D. DEVARAJA URS (Hunsur).—Are all the amendments moved now ?

Mr. SPEAKER.—No.

Sri D. DEVARAJA URS.—Then, he is talking as if the amendments are moved.

Mr. SPEAKER.—He is making general remarks.

Sri M. LINGANNA.—So with these few remarks, I submit that the Report of the Select Committee, except sub-clause (2) (*b*) of clause 3, is to be welcomed generally.

*Sri M. V. RAMA RAO (Tumkur).—Not having been present in the House at the moment the debate started I am not in a position to say how far I shall be able to avoid any repetition of certain points that may have been made by earlier speakers on the motion to consider the Bill as reported by the Select Committee. Anyhow, I shall endeavour to be as brief and pointed as possible, because numerous amendments have been tabled to the several clauses and when the second reading of the Bill comes up, there will be another opportunity to say whatever may be necessary in respect of specific amendments that have been tabled.

Sir, the Bill as reported by the Select Committee has made proposals to the Government, if I may say so, very much more acceptable to everybody concerned than the original proposals themselves and the Hon'ble Members of the Select Committee deserve to be complimented upon the reasonableness with which they have made their amendments in the various clauses of the Bill. And they have also to be complimented upon the manner in which they have finally done away with some of those fantastic proposals which were originally contained in the Bill or which were contained in some of the official amendments tabled before the Bill went to the Select Committee. Therefore, Sir, we shall forget the bad taste that was left in the mouth of everybody in the country when the original proposals in their legislative nakedness came before the country and the Bill was introduced in the House. We shall now confine ourselves merely to such analysis and such examination of the proposals as were made by the Select Committee as will be sufficient to invite pointed attention of the Government to one or two matters that are still left over for further scrutiny, careful examination and, may I say, Sir, with great earnestness, rectification provided the Government will have an open mind on the subject notwithstanding the Report of the Select Committee. First of these points is the reduction of the limit of Rs. 10,000 for the liability to pay turnover tax to Rs. 7,500. The other day I took considerable time of this House to argue and to explain why this reduction should not be made. I took the trouble and, I suppose, inflicted on the House certain statistical information which I had collected from the Government agency, namely the Office of the Labour Commissioner for the Mysore State.

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The statistical information, Sir, related to the cost of living index figure. I pointed out that, at the time the Mysore Sales Tax Act was passed, which was in 1848, the cost of living index stood somewhere at 260 or 250 points, whereas in 1953 it had risen to well over 340 points. It is now in the neighbourhood of 350. Even in the year 1954, there is no chance of the cost of living index coming down for the common man. The cost of living index in February 1954 stood at 348 or thereabout. Without basing any arguments exclusively on the statistics or the mathematics of these figures, I would say broadly the proposition is somewhat like this: If the Legislature and the Government find it necessary to limit the liability for payment of turnover tax to dealers with a turnover of Rs. 10,000 per year in 1948 when the cost of living index was somewhere near 250 points, would it be reasonable for a sympathetic, popular and, may I say, Sir, responsible Government to reduce that limit from Rs. 10,000 to 7,500 in the year 1954 when the cost of living index has mounted up by more than 60

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points and stands very near 350 points? It would be argued, Sir, it can be argued and I am therefore going to anticipate the argument–it can be argued that the effect of the liability to pay turnover tax under these revised proposals is somewhat different and a very much smaller sum of money has to be paid by way of turnover tax generally by dealers who have a turnover sum between Rs. 7,500 to 10,000 in a year. That is true. The proposals now before the House impose a liability on dealers with a turnover of between Rs. 7,500 and 10,000 in a year of only Rs. 25 a year where it is a business other than running a hotel or a boarding house, and to a tax of Rs. 75 if the business relates to running a hotel or boarding house. Sir, the Statement of Objects and Reasons of the original Bill that was placed before this House and which was referred to the Select Committee, the Report of which we are now considering, makes a reference to the numerous representations that have been received by the Government from trades people and gentlemen of the commercial community in general in regard to the various hardships to which they had been subjected in the course of the normal administration of the Sales Tax Department owing largely to certain provisions of law which require rectification and modification of the wording; and all the proposals of the Government contained in the Bill were therefore placed before this House with a view to provide this much-needed relief to the commercial community generally. I am not going to minimise all the beneficent results that have gone to the commercial community generally by the reduction of the general turnover tax which was originally leviable at the rate of 3 pies in the rupee, to the present imposition of what is called the slab rate which, in the case of these dealers with a turnover of between Rs. 7,500 and 10,000, has been, as I was saying, limited to the payment of a small amount of Rs. 25. I am not minimising the beneficent effect of the revision that has been made. Even so, I would appeal to the Government, I would very earnestly request the Government to extend their sympathy a little further and keep this turnover limit at Rs. 10,000 as before without seeking to bring in an additional number of small dealers within the purview of the Act for the purpose of levying and collecting a general turnover tax. What generally happens is, as my esteemed friend the Hon'ble the Minister is aware, when the turnover is fixed at Rs. 10,000, a few hundreds of marginal cases, where the assessing authority, namely, the Sales Tax Officer supposes that the turnover is Rs. 10,000 or more, will be brought in on the assessment register and will remain there and unless the assessees are able to establish something to the contrary and upon proof of the fact that the turnover is not as much as Rs. 10,000 but a little less, they will be able to get relief by being taken off the assessment register. Similarly if the turnover limit is fixed at Rs. 7,500, quite a few marginal cases of dealers with a turnover of probably less than 7,500 a year but which in the opinion of the Sales Tax Officer who is the assessing authority, would be assessed at Rs. 7,500 or a little more would be brought into the assessment register and subjected to that hardship and though it can be argued that no legislation can ever effectively eliminate the hardship that is likely to be caused to the marginal cases of this kind, it can be conceded even by the Law Minister that the number of the marginal cases that would come up for assessment if the minimum was fixed at Rs. 10,000 would be much smaller than the number of marginal cases that would come up for assessment if the turnover limit was retained at Rs. 7,500. Sir, I do not wish to labour this point any further beyond saying that the reason for the reduction from Rs. 10,000 to 7,500 is so obvious that every Hon'ble Member of this House, I am sure, will be anxious and willing to support and assist the Government to get as much revenue from sales tax as is practicable and possible. That is, unless I am grossly mistaken, the real purpose with which this Rs. 10,000 turnover limit is reduced to 7,500. But, as I said, while every Hon'ble Member would be anxious and

willing to support and assist the Government to get more revenue, we have to consider one very important fact relating to the administration of the Sales Tax Department and that is this. In the year 1952-53 during the period when the Sales Tax Committee, upon the report and recommendations of which the Bill has been drafted, was having its sittings, official information relating to the number of registered dealers, the number of assessees, the gross amount assessed and the net realisation effected and similar statistical information was placed before that Committee; and the most startling and remarkable fact that I had noticed in the large volume of material which was placed before the public is this: the total number of registered dealers under the Mysore Sales Tax Act of 1948 is not more than 21,000 for the entire State. It appears to me a very unreal and amazing and, if I may say so, a very ridiculously low position. Do the Government mean to say that for the entire State of Mysore with ten districts or even nine districts as it was before the advent of Bellary into Mysore State, the total number of dealers with an annual turnover of Rs. 7,500 was not more than 21,000? Without being accused of trying to be sensational or of making any fantastic claims, I should make bold to say that it should be possible for any practical administrator to register under the existing law this number of 21,000 borne on the State list of Registered Dealers in the Corporation area of Bangalore alone. It should be possible to do it and I am sure, every Hon'ble Member who has an intimate acquaintance with the commercial life of the area comprised within the Corporation limits of Bangalore will bear me out in what I assert. The total number of registered dealers was furnished as 23,000 and odd. Of these 23,000 and odd persons who were registered dealers, as many as two thousand and odd got their names struck off after proving to the authorities that they were not even liable for registration under the law because their turnover fell short of Rs. 7,500 a year. Therefore, the small number of 21,000 registered dealers from whom we seek to get all the sales tax that is to be collected in the State looks to me to be a number which is a proof not certainly of that merciless efficiency for which the department seems to have built up a reputation, but proof of a spirit of generosity which, I, as a member of the Party running the Government, would hardly expect. This number of 21,000 and odd persons who were all the registered dealers in the State is a proof to the generosity with which the officers of the Sales Tax Department are dealing with the dealers. If a proper campaign is resorted to on the administrative side to register all the dealers who are liable to registration under the existing law, I should not be surprised if the number went up to as much or 50,000 or 60,000 in the entire State; there would be nothing wonderful in that. The present 21,000 and odd is not only unreal, indicating administrative indifference, but also something worse. Therefore, I would earnestly urge upon the Hon'ble Minister in charge of the Bill to examine this with the same earnestness with which the question of liability of the turnover tax has been examined both by the Government and the Committee and see, having regard to the large number of dealers, who can be brought not merely within the provision relating to registration but also within the incidence of payment of general turnover tax. I would request him to see if Government can make up their mind to be sympathetic to them whose cost of living has increased by as much as 30 per cent from between the period when the law commenced its operation in the State and now, and keep the turnover limit at Rs. 10,000 as before.

The next thing, Sir, that I should like to say with regard to this general turnover tax is about what concerns dealers whose business is to keep a hotel or a boarding house. A different provision was contained in the original Bill and a provision much less alarming than that has been made in the Report of the Select Committee. It will be seen that clause 3 of the Bill as reported by the Select Committee which lays down how the tax shall be calculated in

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respect of dealers generally, lays down further in a proviso that if and to the extent to which such turnover relates to articles of food and drink sold in a hotel, boarding house, restaurant or canteen, the tax shall be calculated at the following rates :—

(1) In the case of every dealer whose total turnover is Rs. 7,500 and above, but not exceeding Rs. 10,000 ... Rs. 75 P.A.

(2) In the case of every dealer whose total turnover ranges between Rs. 10,000 and Rs. 36,000 the tax will be Rs. 75 on the first Rs. 10,000 plus three pies in the rupee on the turnover beyond Rs. 10,000;

(3) And in the case of a dealer whose total turnover exceeds Rs. 36,000 the rate specified in item (2) on the turnover not exceeding Rs. 36,000 and four and half pies in the rupee on the turnover exceeding Rs, 36,000.

Sir, I have no manner of doubt that the Select Committee has been actuated by considerations of sympathetic reasonableness and perhaps what they considered a practical approach to a problem around which considerable controversy and public agitation had arisen. I should, Sir, sincerely congratulate the Hon'ble members of the Select Committee for their reasonableness and also for their practical approach in dealing with these hotel proprietors. I do not know how many of my friends in this House are aware of my own views with regard to hotels, boarding houses and coffee clubs. I am not in love with them; I am not even in sympathy with them and I refuse to hold a brief for them. If it happens that what I propose to say now looks like some argument advanced on their behalf and for their relief, it is a thing which I do not intend and it is a thing which I base wholly upon what I consider to be a point of constitutional law and practice, whatever may be the view which other Hon'ble Members may hold on the particular proposition. This turnover tax is a general sales tax. It is payable by dealers generally, provided they come within the ambit of the law as laid down in the statute. What are the principles adopted for classification of dealers so as to make them liable to the payment of turnover tax which is a general sales tax? The first principle is that the person must come within the definition of dealer as stated in the law, as stated in the Mysore Sales Tax Act. The second principle is, his turnover in a period of one year must amount to Rs. 7,500 as now proposed or Rs. 10,000 as the law now stands before the amendment and this turnover of Rs. 7,500 or Rs.10,000 must relate to transactions throughout that twelve-month-period in articles and goods which are not liable to the enhanced rates of sales tax specified in the Schedule in the amending Bill or in the original Act in the provision made for that purpose in the existing section 3. It will be seen that special rates of sales tax have been prescribed and have to be levied and collected upon the sales and a number of specified articles which are generally considered to be luxury articles, articles without which life is not impossible for people generally. Therefore, the general turnover tax, the general sales tax on the turnover as we call it, is payable on the total turnover, on the total monetary value of sales effected in a period of one year in respect of articles and goods subjected to the payment of this special tax and amounting in that period to Rs. 10,000 or Rs. 7,500 as now proposed. If these are the principles on which the liability arises, is founded, then it is irrelevant what were the other articles in which these transactions were carried on, whether the person dealt with any goods such as those in which a hotel keeper or a hotel proprietor deals in or whether he dealt goods in which a hotel keeper or boarding house proprietor does not deal in. This liability has no manner of connection with the particular class of goods or particular kind of goods in which the trade is carried on. This tax is imposed on the total annual turnover of business irrespective of what were the goods which formed the bulk of the transaction or whether such transactions really resulted in a profit or in a loss. Sir, considerable emphasis was placed during the general debate when

this Bill was referred to the Select Committee upon the arguments that the profits made in a hotel or boarding house was of a very much higher order than the profits made in any other business and that therefore there would be nothing wrong either in ethics or in law if the legislature imposed a higher rate of sales tax on hotel business. Very plausible and almost reasonable as this argument would appear, I must say that the argument runs counter to some of those things which limit the otherwise unlimited competence for legislation which this House possesses, the only limits of the legislative competence other than the good sense and practical wisdom or the limitations contained in the Seventh Schedule to the Constitution of India. The Seventh Schedule in the Second List enumerates the various matters in respect of which the legislature has legislative competency in the various States to legislate in respect of those matters which generally require nobody's permission or any other person's concurrence or anything except our own sanctions. Entry 54 in the State List of legislative matters contained in the Seventh Schedule to the Constitution of India confers this legislative competence on the State to impose a tax on the sales or on the purchase of goods and articles other than newspapers. Therefore, we are certainly within our competence in imposing a sales tax or a purchase tax according to such scale as might appear reasonable to us. We are certainly within our competence there. But where we effect classification, every person who is so subjected to that classification must be afforded equal protection of the laws and must have rights and duties determined in the manner as the rights, duties and liabilities are determined under the same law.

3 P.M.

Here we take a dealer with a turnover of Rs. 7,500 and more a year who pays the general tax or the turnover tax in the manner set forth in the Schedule. We however see that, if he carried on hotel business, the rate of tax shall be in the first flat three times the tax payable by others and in each of the two succeeding flats it will be $1\frac{1}{2}$ times the tax payable by others. That to my mind does not appear to be either reasonable or constitutionally sound. And if I take up some time of the House to dwell upon that point, it is certainly not with a view to either obstruct or delay the progress of this Bill or with a view to show that I am any more conversant with constitutional law on these matters than any other Hon'ble Member of this House, but solely with a view to invite the attention generally of the Hon'ble Members of this House to the particular point which I have been urging. If this classification does not bear a reasonable relation to the nature of the business carried on excepting in regard to hotel business, it would be naked discrimination; it would be nothing less than deliberate, designed and calculated discrimination and I am sure that it is not the intention of this House, and I am perfectly certain that it was not, and it is not the intention of the Hon'ble Members of the Select Committee either, to make discrimination. I also wrote down this particular point on paper and addressed it to the Hon'ble Chairman of the Select Committee so that Hon'ble Members of the Select Committee might apply their minds to that particular point during the deliberations and come to such conclusion as they might, according to their light. I find that the statement of the case that I made in writing was either not adequate or did not reach them or............

Sri A. BHEEMAPPA NAIK (Molakalmuru).—We did take your statement into consideration before arriving at the conclusion that we have now come to.

Sri M. V. RAMA RAO.—Therefore, Sir, I should infer........

Sri J. MOHAMED IMAM (Jagalur).—Sir, it is Three of the Clock.

Sri M. V. RAMA RAO.—I should infer that the point stated by me was considered by the Select Committee and was not considered to have any substance in it and therefore no further notice has been taken. I do not agree to the conclusion arrived at. In fact the last word so far as whether

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a particular provision of law is constitutional or is not constitutional, the last word on matters like this can certainly not be claimed to be spoken by any member of this House. The law on the matter will certainly be laid down by authorities other than this House. Therefore, while I do not wish to labour that point further, I would generally invite the attention of the House, as I said, to examine the whole question, to examine what principle can be discerned in the particular classification made in respect of tax on hotel business, namely, levying a higher rate of tax on such business, a tax calculated at 3 times the ordinary tax payable in respect of other business in respect of the first flat and $1\frac{1}{2}$ times the tax payable in the case of other business in respect of each of the succeeding two flats.

Mr. SPEAKER.—What time do you wish to take?

Sri M. V. RAMA RAO.—Another half an hour.

Sri A. G. RAMACHANDRA RAO.—I think it is in the discretion of the Chair to fix a time limit for speeches.

Mr. SPEAKER.—We will meet at 3-35. Now the House will adjourn for lunch.

The House adjourned for Lunch at Five minutes past Three of the Clock and re-assembled at Forty minutes past Three of the Clock.

[MR. SPEAKER in the Chair.]

Mr. SPEAKER.—For this Session to-morrow will be the last day and I hope you will finish this Bill and if possible you will help the Government to move the Irrigation Bill.

Sri K. PATTABHIRAMAN (Kolar).—Will it be morning Session tomorrow?

Mr. SPEAKER.—That is left to you.

Sri A. G. RAMACHANDRA RAO.—We can have the Session in the morning. There can be no objection to that.

Mr. SPEAKER.—All right. To-morrow the Session will be held in the morning.

Sri A. G. RAMACHANDRA RAO.—Regarding the time, it may be indicated, since this is a Money Bill.

Mr. SPEAKER.—I have already hinted in a way, since we have no further work unless we take up the Irrigation Bill and the Madras Sales Tax (Mysore Amendment) Bill. Two Bills we have. Otherwise, I will have to fix a time limit.

* **Sri M. V. RAMA RAO.**—Sir, the third point is on which I should like to say something is on matters contained in clause 5 of the Bill as reported by the Select Committee. Clause 5 provides—

> 'In section 6 of the principal Act,
>
> (1) in the marginal note the words "Power to Government to notify" shall be omitted; sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) respectively; and
>
> (2) before sub-section (2) as renumbered the following sub-section shall be inserted, namely,—
>
> "(1) No tax shall be payable under this Act on the sale of goods specified in Schedule III, subject to the conditions and exceptions, if any, set out therein."
>
> (3) In sub-section (3) as renumbered for the word, brackets and figure, "sub-section (1)" the word, brackets and figure "sub-section (2)" shall be substituted.'

That is the amendment of section 6 of the existing Sales Tax Act proposed in clause 5. The effect of the amendment on the existing clause 6 will be that the marginal notes contained in that section on page 7 of the principal Act, namely, power of Government to notify exemptions and reductions of tax will be omitted and a new sub-section will be inserted which says—

> "That no tax shall be payable under this Act on the sales of

goods specified in Schedule III, subject to the conditions and exceptions, if any, set out therein."

Schedule III appended to the Bill as reported by the Select Committee makes reference to section 5, sub-section (2), which I consider is an erroneous reference to clause 5, sub-clause (2). Reference should really be to section 6, sub-section (2). Anyhow this sub-section lays down . . . .

Sri A. G. RAMACHANDRA RAO.—On page 4, clause 5, amendment of section 6 is what is indicated.

Sri M. V. RAMA RAO.—I do not know if I have been understood. Since the Schedule is to be incorporated in the Act itself it will probably be necessary to correct the reference in the words in Schedule III. 'See section 5 (2)'—that is how it is said on page 11 of the Bill as reported by the Select Committee.

There perhaps, it will be necessary to say, 'see section 6, sub-section (2)'.

Sri A. G. RAMACHANDRA RAO.—Yes.

Sri M. V. RAMA RAO.—Sir, this amendment to section 6 of the principal Act confers the right on the Government to exempt articles liable to sales tax. The right on the part of the Government will be that they will be in a position to declare what goods and articles are exempted from the levy of sales tax, as coming within the purview of Schedule III, and, so far as people generally are concerned, an exemption is made in respect of scheduled articles so that no sales tax is leviable on such articles.

Then again, in respect of Schedule III it is further provided—I was trying to make some other point. But at the moment, I am not able to lay my finger on the point. This Schedule III contains in item No. 10

"Edible oils and oil seeds from which edible oils are extracted except groundnut, vanaspathi including Dalda, Pakav or other hydrogenated oils by whatever name called, and refined oils sold in sealed containers."

Now, under the existing Sales Tax law, sales tax is being levied on the sales of groundnut oil. The amending Bill proposes among other things, the levy of a purchase tax on groundnut, shelled or unshelled, as mentioned in item No. 31 of the first Schedule to this Bill, calculated at 3 pies in the rupee and it is also said that it is leviable on "the first purchase in the State of Mysore by the first or the earliest of the successive purchasers having a place of business in the State of Mysore to whom the provisions of sub-section (3) of section 3 do not apply irrespective of the fact whether the seller is a grower or not." This purchase tax on groundnut whether shelled or unshelled will be imposed under this Schedule and it does not make any reference to groundnut oil as such; and therefore it follows that in respect of groundnut oil we are proposing to levy not merely purchase tax at 3 pies in the rupee but also a sales tax on the groundnut oil. But you find in item No. 10 of Schedule III reference is made to:

"Edible oils and oil seeds from which edible oils are extracted except groundnut, vanaspathi, including Dalda, Pakav or other hydrogenated oils by whatever name called, and refined oils sold in sealed containers."

If the exception made in the case of groundnut is not restricted to oil seeds but extends to edible oils so as to take groundnut oil out of the liability to tax and confers an immunity on groundnut oil from the liability to pay sales-tax, I am content. Sir, I shall leave that matter there.

There are certain amendments which are more or less verbal of which I have given notice and which I shall move when the proper occasion arises, and therefore, I shall make no reference to these amendments now.

In regard to clause 15 of the Bill which affects the amendment to section 20 of the Act, it seems to me, Sir, that the clause as it is worded may not satisfy the meaning or the purpose for which the amendment is being made. It is said there in clause 15 that—

"(2) No court shall take cognizance of an offence under clause (*b*) of sub-section (1) except with

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the previous sanction of the Deputy Commissioner of the District, and no such sanction shall be granted,

(i) for the prosecution of a person who has been adjudged insolvent; or

(ii) unless the Deputy Commissioner has reason to believe that the person liable to pay the amount with intent to obstruct or delay the recovery of the amount,

(*a*) is about to leave the State; or

(*b*) is about to dispose of the whole or any part of his property; or

(*c*) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Deputy Commissioner."

Now, Sir, Section 20 of the Act provides for offences and penalties. Section 20 says:

"20. Any person who—

(*a*) wilfully submits an untrue return or fails to submit a return as required by the provisions of this Act or the rules made thereunder, or

(*b*) fails to pay within the time allowed, any tax assessed on him, or any fee due from him, under this Act, or

(*c*) prevents or obstructs inspection or entry by any officer authorised under section 18, in contravention of the terms thereof, or

(*d*) fraudulently evades the payment of any tax assessed on him, or any fee due from him, under this Act, or

(*e*) fails to submit an application for registration as required by section 10, sub-section (1), or

(*f*) collects any amount by way of tax under this Act, in contravention of the provisions of section 11, sub-section (1), or

(*g*) fails to pay the amounts specified in section 11, sub-section (2), within the prescribed time, or

(*h*) wilfully acts in contravention of any of the provisions of this Act,

shall on conviction by a Magistrate of the first class, be liable to a fine which may extend to one thousand rupees and in the case of conviction under clauses (*b*), (*d*), (*f*) or (*g*) the Magistrate shall specify in the order the tax, fee or other amount which the person convicted has failed or evaded to pay or has wrongfully collected, and the tax, fee or amount so specified shall be recoverable as if it were a fine."

For that provision, it is proposed to substitute a new sub-section, firstly that the prosecution shall not be launched unless the previous sanction has been obtained from the Deputy Commissioner of the District for the particular prosecution; and secondly it also places a certain limitation on the authority of the Deputy Commissioner and the grounds on which the Deputy Commissioner can grant sanction for prosecution are also enumerated. It lays down that no such sanction shall be accorded in the case of prosecution of a person who has been adjudged insolvent or unless the Deputy Commissioner has reason to believe that the assessee is about to dispose of his property or is about to remove the whole or part of his property from the local limits of the jurisdiction of the Deputy Commissioner. This, I must say, is a very substantial improvement on the existing law and the Hon'ble Members of the Select Committee are entitled to be congratulated and congratulated warmly upon the very substantial improvement they have made in the law in favour of the subject, while at the same time they have made the law certain and specific in its operation. While this is so, Sir, I would only suggest that the new sub-section that is proposed to be added to it be slightly differently drafted in the manner in which section 193, if I remember right, of the Code of Criminal Procedure has been drafted, so that more or less familiar phraseology is used in respect of sanction of prosecution.

One another thing that I should like to say with reference to clause 15 and the amendment of section 20 of the Act proposed to be made by it is this. Section 20 provides in clause (*d*): Any person who fraudulently evades the payment of any tax assessed on him, or any fee due from him, under this Act, shall on conviction be punishable, etc. Now while the amendment proposed by the Select Committee in clause 15 of the Bill proposes to modify the existing law as contained in clause (*d*) of Section 20, perhaps it has not taken note of a similar law contained in clause (*b*) of section 20 which is more or less the same as clause (*d*) which reads as :

Any person who—

Clause (*b*) :

"fails to pay within the time allowed, any tax assessed on him, or any fee due from him, under this Act or"

Clause (*d*) :

"fraudulently evades the payment of any tax assessed on him, or any fee due from him, under this Act, or"

4 P.M.

In Clause 15 the proposed new sub-section makes elaborate provisions for the various manners in which evasion of tax can be attempted by the assessee. Therefore, Sir, having regard to the inclusive phraseology employed in the new proposed sub-section, I would suggest that it would not only be appropriate but would also, perhaps, be very necessary that clause (*d*) of section 20 of the existing Act along with clause (*b*) should be substituted by the proposed amendment. Then, there will be no possibility of the amended law being circumvented and prosecutions being launched without sanction being obtained under clause (*d*) of section 20. I am sorry I did not notice this point when my amendments were tabled. Anyhow, since tabling an amendment is no guarantee that an amendment would commend itself to the Hon'ble the Minister . . . .

Sri A. G. RAMACHANDRA RAO.—No; it should commend itself to the House.

Sri M. V. RAMA RAO.—Not only to the Hon'ble the Minister but also the House. I think that clauses (*b*) and (*d*) of Section 20 of the Act should be dealt with together in Clause 15 of the amending Bill. That, I think, is all that I need say at this stage, except on the proposed amendments that any notification that might be made in the Act, as amended, shall be placed before the Legislative Assembly in the manner suggested by two amendments that I have tabled on which I shall speak on the appropriate occasion. I shall say only this now and that is, that in clause 3 of the amendment Bill, it is said that—

the State Government may, by notification, amend Schedule I by the addition of any other goods and specify the rate at which and the point in the series of sales at which the tax is payable in respect of such goods, subject to the condition that the rate of tax so specified shall in no case exceed one and half annas on every rupee of the turnover ; and on the publication of such notification in the *Mysore Gazette*, Schedule I to this Act shall be deemed to have been amended accordingly :

Provided that no addition to Schedule I shall be made under this clause of any goods declared to be essential for the life of the community by the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952, (Central Act LII of 1952).

The amendments of which I have given notice generally suggest that whenever Government has occasion to make any notification amending Schedule I, such notification may be placed before the Legislative Assembly so that the views of the Legislative Assembly on the amended Schedule or the amendment actually made by the Government to the Schedule may be invited with a view to suggest any modifications that may be considered desirable. It is not asking for an opportunity for the exercise of any right which this House already does

(SRI M. V. RAMA RAO.)

not possess, because it is this House which determines the contents of Schedule I, and since it is only the Executive, *i.e.*, the Government which might have occasion to add any other article to Schedule I so as to make it liable to taxation at a single point, the authority is delegated to Government for amending this Schedule whenever it may consider it necessary to do so. All that I suggest is that whenever amendment has been actually made by Government, this House may be afforded with an opportunity of agreeing with the Government or not agreeing with the Government as the case may be, in respect of such amendment effected to Schedule I. With these observations, I conclude my speech on the Bill as reported by the Select Committee and I would once again repeat that the amending Bill has undergone a most welcome metamorphosis at the hands of the members who had an opportunity and privilege to serve on this Select Committee.

Sri V. M. MASCARENHAS (St. John's Hill).—Mr. Speaker, Sir, I am more than gratified that my esteemed friend Sri M. V. Rama Rao should have complimented the Members of the Select Committee on their good work and in his opinion most of the amendments were acceptable to him. He further pointed out that he was not quite happy as to why the turnover was limited from Rs. 10,000 to Rs. 7,500. I am very sorry he missed one important point. The turnover, according to the new Bill, does not take into account the important items of the single point levy and a large number of exempted articles. The value, if deducted from the previous Rs. 10,000, would certainly bring it down to even Rs. 5,000 and less. So, it would in other words mean a turnover of about Rs. 15,000, a figure which, certainly Sri Rama Rao will admit, is an improvement on the old existing Act. He also said that he felt rather surprised that the number of dealers in the State should be as low as 21,000 and he paid very poor compliment to the Sales Tax Department. Evidently there was something wrong somewhere for this low number. Sir, I am half inclined to agree with him because, as he said, the efficiency of this department is not very much to be appreciated. My honest conviction is, if the Sales Tax Department works with a little more efficiency and honesty, the income from this department should be at least $2\frac{1}{2}$ crores of rupees. Unfortunately the Sales Tax Minister is not here and so my words may not have the same weight . . .

Sri L. SIDDAPPA (Channagiri).—But the Commissioner is here.

Sri V. M. MASCARENHAS.—Our Government, I think, Sir, should take a lesson from the Central Excise Authority who collects similar taxes. With what great care, with what great precision and with what great earnestness they collect the taxes! If the Government of Mysore exercise half the rigidity, I am sure, on this single item our revenues would perhaps be 50 to 75 per cent more.

Sir, Sri P. R. Ramaiya was a little hard on clubs and canteens. He was wondering why the Committee thought it best to exempt clubs and canteens from the turnover tax. I think there is something which is not very clear in his mind. There are some clubs which cater only to members. There are canteens in factories, in schools and other institutions which cater only to the children of the institutions. It would certainly be unjust to collect tax on the commodities which are intended for edible purposes. But, if it is found that either a club or a canteen is using it for the purpose of profit-making and is allowing outsiders to come there and selling goods as an ordinary item of trade, then certainly the Commissioner of Sales Tax is authorised under this Act not to give exemption but to treat it as an ordinary dealer as in every other case. I am sure Sri Ramaiya, who might have misgivings in this connection, will now be convinced that the Government are right in having given exemption to these clubs and canteens. The authority in the case of schools is the

Director of Public Instruction and in the case of industries, it is the Director of Industries and Commerce.

There is one more thing that I wish to say and that is, should the Government only take it into their heads to take the mercantile community also into their confidence and treat them as friends and not subject them to unnecessary harassment, I believe the Sales Tax Department would work more smoothly and would in the long run prove more profitable to the State. Thank you.

*ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ (ಎಳಂದೂರು – ಅನುಸೂಚಿತ ಜಾತಿಗಳು).—ಸ್ವಾಮಿ, ಮೈಸೂರು ಮಾರಾಟ ತೆರಿಗೆಯ 1954 ನೆಯ ಇಸವಿ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯ ಮೇಲೆ ಮಾತನಾಡಿದ ಮಹನೀಯರು ಇದು ಸರ್ಕಾರದವರು ಮೊದಲು ತಂದಿದ್ದ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಬಿಲ್ಲಿನ ಮೇಲೆ ಒಂದು ಹೆಚ್ಚಿನ ರೀತಿಯಲ್ಲಿ ಇಂಪ್ರೂವ್ ಆಗಿದೆಯೆಂದು ಕೂಡ ತಿಳಿಸಿದರು. ನನಗಾದರೂ ಅನ್ನಿಸುತ್ತದೆ—ಇದು ಬಹುಶಃ, ನನಗೆ ಹಾಗೆ ಸಂತೋಷವಾಗ ದಿದ್ದರೂ ಸಹ, ಒಂದು ಮರ್ಕೆಂಟೈಲ್ ಕ್ಲಾಸಿಗೆ ಹೆಚ್ಚಿನ ರೀತಿಯಲ್ಲಿ ಉಪಕಾರವನ್ನು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ಮಾಡಿದ್ದಾರೆ ಎಂದು. ಈ ಅಮೆಂಡ್‌ಮೆಂಟಿನಲ್ಲಿ ಸೆಕ್ಷನ್ ಎರಡರಲ್ಲಿ ಡೀಲರ್ ಎಂಬ ಪದವನ್ನು ಡಿಫೈನ್ ಮಾಡುವಾಗ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ಈ ರೀತಿಯಾಗಿ ಡಿಫೈನ್ ಮಾಡಿದ್ದಾರೆ :—

> " 'dealer' means any person who carries on the business of buying or selling goods in the State of Mysore whether for commission, remuneration or otherwise and includes—
>
> (i) a State Government other than the Government of Mysore which carries on such business, and any society, club, firm or association which sells goods to its members ;

Original Act ನಲ್ಲಿ ಸರ್ಕಾರದವರು ನೇರವಾಗಿ ವ್ಯಾಪಾರವನ್ನು ಮಾಡಿದಾಗ ಆ ಸಂದರ್ಭದಲ್ಲಿ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸಿನಿಂದ ವಿನಾಯಿತಿ ಪಡೆಯಲು ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಉದಾಹರಣೆಗಾಗಿ, ಭದ್ರಾವತಿ ಕಬ್ಬಿಣ ಮತ್ತು ಉಕ್ಕಿನ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಕಬ್ಬಿಣ ಮತ್ತು ಸಿಮೆಂಟ್ ಮತ್ತು ಫಾರೆಸ್ಟ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್ ಮೂಲಕ timbers ಮುಂತಾದವುಗಳ ಮಾರಾಟದಲ್ಲಿ ಮೈಸೂರು ಸರ್ಕಾರ ನ್ಯಾಯವಾಗಿ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್‌ಗೆ ಒಳಪಡಬೇಕಾಗಿತ್ತು. ಆದರೆ ಅಲ್ಲಿಯೂ ಸಹ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಕೊಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದು ಅದನ್ನು ಬಿಟ್ಟಿರುತ್ತಾರೆ. ಅಂದರೆ, ಈ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನಿಂದ ಹೊರಗೆ ಹೋಗತಕ್ಕ ಷಾಲುಗಳ ಬಗ್ಗೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಉಂಟೇ ಅಥವಾ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸಿನಿಂದ ವಿನಾಯಿತಿ ದೊರಕುತ್ತದೆಯೇ ಎಂಬ ಬಗ್ಗೆ ಅನುಮಾನ ನನಗೆ ಬಂದಿದೆ. ಇದನ್ನು ಮಾನ್ಯ ಸಚಿವರು ಉತ್ತರ ಕೊಡುವಾಗ ತಿಳಿಸಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ.

ಎರಡನೆಯದಾಗಿ, ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾಯರು ಮಾತನಾಡುವಾಗ turnover ಮೇಲೆ 7,500 ರೂಪಾಯಿಗಳಿಂದ 10,000 ರೂಪಾಯಿಗಳವರೆಗೆ 25 ರೂಪಾಯಿಗಳ ತೆರಿಗೆ ವಿಧಿಸುವುದು ಸೂಕ್ತವಾದುದೆಂದು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿದ್ದಾರೆ. ಈ exempted articles ಮತ್ತು single point levy ಗೆ ಒಳಗಾಗತಕ್ಕ articles—ಇವುಗಳನ್ನೆಲ್ಲಾ ಲೆಖ್ಖಹಾಕಿ, ವರ್ಷಕ್ಕೆ 7,500 ರೂಪಾಯಿಗಳ limit ನಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡತಕ್ಕವರನ್ನುಳಿದು, ಬಾಕಿ ಅನುಕೂಲಸ್ಥರು ಬಹಳ ಕಡಮೆಯೆಂದು ಶ್ರೀ ಮ್ಯಾಸ್ಕರ್‌ನ್‌ಹ್ಯಾಸ್‌ರವರು ತಿಳಿಸಿದ್ದಾರೆ. ಇದರಿಂದ ಜನಸಾಮಾನ್ಯರಿಗೆ ಅಷ್ಟೇನೂ ತೊಂದರೆ ಆಗದೇ ಇರುವುದರಿಂದ ಇದು ಸ್ವಾಗತಾರ್ಹವಾದುದೆಂದು ಅಭಿಪ್ರಾಯಪಡುತ್ತೇನೆ.

ಇನ್ನು clause 4, sub-clause (3) ಯಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ :—

> " or in a canteen attached to a factory, industrial concern or other institution, to the persons employed in such factory or industrial concern or to the persons who are members of such institution, as the case may be."

ಅಂದಮೇಲೆ ಎಲ್ಲೆಲ್ಲ industrial concerns, factories and other institutions ಇವೆಯೋ ಅಲ್ಲಿಗೆ ಹೋಟೆಲ್‌ಗಳು move ಆಗುವುದಕ್ಕೆ ಅವಕಾಶವಾಗಿ ಅನಂತರ exemption ಕೊಡಬೇಕೆಂದು ಕೇಳಲು ಅವಕಾಶವಾಗಬಹುದೆಂದೆನ್ನಿಸುತ್ತದೆ.

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—ಈ ವಿಚಾರದಲ್ಲಿ ಅನುಮಾನಕ್ಕೆ ಅಸ್ಪದವೇ ಇಲ್ಲ. ಇದರಿಂದೇನೂ ಸರ್ಕಾರಕ್ಕೆ ಲಾಭವಿಲ್ಲ. ಅಧಿಕಾರಿಗಳು ನೇರವಾಗಿ ಸರ್ವೇನಡೆಸಿ ಸಬ್‌ಸಿಡಿಕೊಡುವುದಕ್ಕೆ ಮಾತ್ರ ಮಾಡಿರುವುದು.

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—" Other Institution " ಎಂದು ಹೇಳಿರುವುದರಿಂದ it necessarily means so.

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—ಆ ರೀತಿ ಅಭಿಪ್ರಾಯಪಡುವುದಕ್ಕೆ ಅವಕಾಶವೇ ಇಲ್ಲ.

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—Educational institutions ನಲ್ಲಿರುವ canteen ಗಳಲ್ಲ ವ್ಯಾಪಾರ ಬಹಳ ಕಡಮೆ, ಹೊರಗಿನವರು ಯಾರೂ ಬರುವುದಿಲ್ಲವೆಂದು ತಿಳಿದಿರಬಹುದು. ಆದರೆ ಅಲ್ಲಿಗೂ ಹೊರಗಿನವರು ಬಹಳ ಮಂದಿ ಬರುತ್ತಾರೆ. ಇದೇ ರೀತಿ ಕ್ಲಬ್‌ಗಳಿಗೂ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ವಿನಾಯಿತಿ ಕಲ್ಪಿಸಿದೆ. ಕ್ಲಬ್‌ಗಳಲ್ಲಿ ಸೆಂಚುರಿ ಕ್ಲಬ್, ರೋಟರಿ ಕ್ಲಬ್ ಮುಂತಾದ ದೊಡ್ಡ ದೊಡ್ಡ ಕ್ಲಬ್‌ಗಳೂ ಸಹ ಇವೆ. ಆದರೆ ಇಲ್ಲಿಗೆ ಜನಸಾಮಾನ್ಯರಾರೂ ಹೋಗುವುದಿಲ್ಲ. ದೊಡ್ಡ ಮನುಷ್ಯರು ಮಾತ್ರ ಹೋಗುತ್ತಾರೆ. ಆದುದರಿಂದ ಸಾಮಾನ್ಯ ಜನತೆಯ ಮೇಲೆ ಈ ಹೊರೆ ಬೀಳುವುದಿಲ್ಲ. ಈ ತೆರಿಗೆ ಹಾಕುವಾಗ ಯಾರ ಮೇಲೆ ಈ ತೆರಿಗೆ ಹೆಚ್ಚಾಗಿ ಹಾಕಬೇಕು ಎಂಬುದು ಸಹ ಮುಖ್ಯವಾಗಿ ಯೋಚನೆಮಾಡಬೇಕಾದ ಅಂಶ. ಈ ದೃಷ್ಟಿಯಿಂದ ನೋಡಿದರೆ ಕ್ಲಬ್‌ಗಳಿಗೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸಿನಿಂದ ವಿನಾಯಿತಿ ಕೊಡುವುದು ಅಷ್ಟೇನೂ ತೃಪ್ತಿಕರವಾಗಿ ಕಾಣುವುದಿಲ್ಲ. Shopಗಳಿಗೆ ಲೈಸೆನ್ಸಿಂಗ್ ಫೀಜ್ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಸಮಿತಿಯವರು ಶಿಫಾರಸುಮಾಡಿದ್ದರು. ಆದರೆ ಈ ಬಗ್ಗೆ ಸಹ essential articles ಮತ್ತು

(ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.)

ಇನ್ನೂ ಕೆಲವು articles ಬಗ್ಗೆ ವಿನಾಯಿತಿ ದೊರಕಿಸಿ ಕೊಡಬಹುದಾಗಿತ್ತು ಎಂದು ನಾನು ಅಭಿಪ್ರಾಯ ಪಡುತ್ತೇನೆ.

ಇನ್ನೊಂದು ವಿಚಾರ, "on the authority of search warrant issued by the Magistrate of Second Class having jurisdiction in such place" ಎಂದು ಇದರಲ್ಲಿ ಸೇರಿಸಿದೆ. ಈ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಆಫೀಸರು ಇದನ್ನು ಯಾವ ರೀತಿ apply ಮಾಡುತ್ತಾರೆಯೋ ಅದರಿಂದ ಉದ್ದೇಶ ಸಾಧನೆ ಆಗುವುದಿಲ್ಲ ಎಂದು ಅನುಮಾನವಾಗಿದೆ. ಏಕೆಂದರೆ, ಈ ರೀತಿ ಅಧಿಕಾರಿಗಳು search warrant ಗೆ ವ್ಯಾಪಾರಸ್ಥರನ್ನು ಒಳಪಡಿಸುವುದಾದರೆ ಅದರಿಂದ ತಪ್ಪಿಸಿಕೊಳ್ಳಲು ಅವರು ಪ್ರಯತ್ನಿಸುತ್ತಾರೆ. ಆದರೂ ಸಹ ಇಂಥ ಪ್ರಸಂಗಗಳಿಗೆ ಸತ್ಯಸಂಧರಾದ ಮತ್ತು ನ್ಯಾಯಬದ್ಧರಾದ ವ್ಯಾಪಾರಸ್ಥರು ಸಿಕ್ಕಿಬೀಳುವುದೇ ಇಲ್ಲ. ಈ ಸಾಧನವಿರುವುದು ತಪ್ಪಿತಸ್ಥರಿಗೆ ಯೋಗ್ಯ ವಾಗಿದೆ. ಇಂಥವರಿಗೆ search warrant ಬೇಕಾ ಗುತ್ತದೆ. ಆದರೆ ಈ search warrant ಅಧಿಕಾರ ವನ್ನು ಆಯಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೇ ಬಿಡುವುದು ಒಳ್ಳೆ ಯದು. ಹಾಗಿಲ್ಲದೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಈ ಅಧಿಕಾರ ಚಲಾಯಿಸಲು ಅವಕಾಶ ಕೊಡುವುದಾ ದರೆ dual power ಇದ್ದ ಹಾಗಾಗುತ್ತದೆ.

ಮೂರನೆಯದಾಗಿ, ಇನ್ನು ಕೆಲವು ಸಣ್ಣ ಪುಟ್ಟ ಕೈಗಾರಿಕೆಗಳಿಗೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ವಿನಾಯಿತಿ ದೊರಕ ಬೇಕಾಗಿದೆ.

Sri A. BHEEMAPPA NAIK.—They come within Rs. 7,500. It is only big factories that pay tax.

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—ಒಟ್ಟಿನಲ್ಲಿ, ಗೃಹ ಕೈಗಾರಿಕೆ ಗಳಲ್ಲಿ ಮುಖ್ಯವಾದ ಅಗರ್‌ಬತ್ತಿಗೆ ಈ ತೆರಿಗೆಯನ್ನು ಹಾಕುವುದು ನನ್ನ ಮನಸ್ಸಿನಲ್ಲಿ ಅಷ್ಟು ಹಿತಕರವಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ಇದಕ್ಕಾದರೂ ವಿನಾಯಿತಿಯನ್ನು ದೊರಕಿಸಿಕೊಡಬಹುದು. ಅದೇರೀತಿ groundnuts ನ್ನು ಇಂಡಿಯನ್ ಬಾದಾಮಿಯೆಂದು ಕರೆಯುತ್ತಾರೆ. ಅದು ಬಡವರಾಧಾರ. ಇದರಿಂದ ತಯಾರಿಸತಕ್ಕ ಎಣ್ಣೆಗೆ ವಿನಾಯಿತಿ ಕೊಟ್ಟಿರುವಾಗ ಈ ground-nutsಗೂ ಸಹ ವಿನಾಯಿತಿ ಕೊಡುವುದು ಸೂಕ್ತ ವೆಂದು ಅಭಿಪ್ರಾಯಪಡುತ್ತೇನೆ.

Sri A. BHEEMAPPA NAIK.—It is not merely for eating. The entire thing is given for conversion into oil.

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—ಅಡಕೆಗೆ ವಿನಾಯಿತಿ ದೊರ ಕಿದೆ. ಅದೇನೋ ನಿತ್ಯ ಉಪಯೋಗಿಸತಕ್ಕದ್ದು ಎಂದು ಹೇಳಬಹುದು. ಈ groundnutsನಿಂದ ಹೊಟ್ಟೆ ತುಂಬಿಕೊಳ್ಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ, ಆದರೂ ಇದು ಬಡವರ ಆಧಾರ ಎಂದು ಹೇಳಬಹುದು.

ಇನ್ನು ಚರಕ ರೇಷ್ಮೆಗೆ ವಿನಾಯಿತಿ ದೊರಕಿಲ್ಲ. ಸಾಮಾನ್ಯವಾಗಿ ಈ ಯುಗವನ್ನು Handloom weavers ಯುಗವೆಂದು ಹೇಳಬಹುದು. ಅಂಥಾದ್ದ ರಲ್ಲಿ ಈ ಗೃಹ ಕೈಗಾರಿಕೆಗೆ ಪ್ರೋತ್ಸಾಹ ಕೊಡಬೇಕಾ ದುದು ಅತ್ಯಾವಶ್ಯಕ. ಹಳ್ಳಿಗಳಲ್ಲಿ ರೇಷ್ಮೆ ಕೈಗಾರಿಕೆ ಯನ್ನೇ ಮುಖ್ಯ ಕಸಬಾಗಿಟ್ಟುಕೊಂಡು ಅನೇಕ ಮಂದಿ ಬಡವರು ತಮ್ಮ ಜೀವನವನ್ನು ಜರುಗಿಸಿಕೊಳ್ಳುತ್ತಿ ದ್ದಾರೆ. ಇದಕ್ಕೂ ವಿನಾಯಿತಿಯನ್ನು ದೊರಕಿಸಿಕೊಡ ಬೇಕಾದುದು ಅತ್ಯಗತ್ಯವೆಂದು ತಿಳಿಸಿ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಗೆ ಸ್ವಾಗತವನ್ನು ಬಯಸಿ ನನ್ನ ಭಾಷಣ ವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri S. SRINIVASA IYENGAR (T.-Narasipur).—Mr. Speaker, Sir, as a member of the Select Committee, I wish to commend this Bill to this House. I would also like to place before this House some of the most important points which I consider are to be considered by the Government. As a result of our agitation that the exempted articles should all be put in the form of an annexure to the Bill, the Government, no doubt, have conceded our request and have put the same in Schedule III of the amending Bill. Government under section 6 of the principal Act used to publish by a notification the names of those articles that were exempted from the levy of sales tax. Just before this amending Bill, firewood and charcoal were included in the exempted list. During the deliberation of the Select Committee it was agreed that all these items that were declared to be exempted from sales tax would continue to be exempted from sales tax and would be included in the Schedule, but now I see the omission of firewood and charcoal in the list. The Government had cancelled the concession given to firewood and charcoal a few months back and therefore these two items were contained in the list that was before the Select Committee. I wish to submit, Sir, that under the Essential Goods Act of the Centre, the Sales Tax Committee while recommending the articles that are to be exempted from the levy of sales tax, had included firewood and charcoal in Annexure 4 of their report. In the present Schedule, we miss these two items. And, therefore, I request Government to kindly modify the annexure and include these two items under the exempted articles' list.

Sri A. BHEEMAPPA NAIK.—The Committee proposed sales tax on coal and coke and not on these items because they were exempted.

Sri S. SRINIVASA IYENGAR.—Firewood and charcoal are proposed to be exempted from the sales tax according to the Sales Tax Committee report and the Government of Mysore also had exempted. But these two items have

been removed from the exemption in the Schedule that has been presented with the Bill; we do not see firewood and charcoal in Schedule III which relates to exempted articles. Since fire-wood and charcoal are essential commodities, I request Government kindly to include these two items in Schedule III.

Sir, in addition to that, I notice that the Government of Mysore had given exemption for raw wool.

Mr. SPEAKER.—You have signed the report.

Sri S. SRINIVASA IYENGAR.—In addition to what I have accepted, I am recommending to the Government the inclusion of some articles in the Schedule.

Sri A. BHEEMAPPA NAIK.—When once a certain commodity is exempted it can never be brought under any list and sales tax levied. Therefore, they have exempted these two articles; even if they are not in the Schedule, they cannot levy sales tax. What my friend Sri Srinivasa Iyengar is proposing is, instead of leaving it doubtful, put it in Schedule III.

Sri S. SRINIVASA IYENGAR.—I too thought in the same way as Sri Bheemappa Naik expressed. But later, I found that these two items have been removed from the list of exempted articles; therefore, I am placing it before the Government to regularise it. In addition to that, Sir, I wish to submit that under Schedule III *kamblies* woven in handloom are exempted. The raw material for *kamblies* woven in handloom is not exempt from sales tax. The Government of Mysore had exempted from sales tax this raw wool as such. I learn that it was subject to licensing system and such persons who were dealing with raw wool were subject to the control of the Government by way of levy of a particular fee. I would urge upon the Government even to cancel it and bring it under exemption list. Thereby we would be encouraging this handloom industry by giving exemption to raw wool.

Sri A. G. RAMACHANDRA RAO.—Even the Sales Tax Committee have not ecommended that article.

Sri S. SRINIVASA IYENGAR.—No. The Sales Tax Committee have not recommended. As Members of the Sales Tax Select Committee, we have not recommended. But I learn that the raw material had been exempted from sales tax.

Sri A. G. RAMACHANDRA RAO.—That is wrong information. Government had not granted any exemption to raw wool at any time.

Sri S. SRINIVASA IYENGAR.—Turnover on raw wool was subjected to licensing system—a particular licence fee for particular turnover.

Sri A. G. RAMACHANDRA RAO.—You want that to be confined only to licensing?

Sri S. SRINIVASA IYENGAR.—I want even that to be abolished and brought under Schedule III because when *kamblies* are exempted and included in the Schedule, the raw material may also be similarly exempted. It is a very small industry and it does not make the Government lose heavily.

*Sri A. BHEEMAPPA NAIK.—What about the Khadi weaver? Do you want that to be exempted? That is a raw material for khadi. It is not exempted. Similarly here, raw material is wool and *kambli* is the finished product. You will have to treat the handloom khadi on the same footing as the *kambli*

Sri S. SRINIVASA IYENGAR—So far as this suggestion is concerned, I have placed it before this House. If it is impracticable, you may decide otherwise. But nothing prevents me from bringing it to your notice. I think Government would lose very little, if they relax it further. That is my point.

As I have already pointed out, Sir, this levy on 'tea' was decided to be six pies. I think what is printed here is a mistake.

Sri A. G. RAMACHANDRA RAO.—Please correct it as six pies.

Sri S. SRINIVASA IYENGAR.—Further, we decided that the levy on 'paper' should be restricted to six pies. According to the Schedule, it is stated that it is one anna—I am not sure whether we had decided at six pies

(SRI S. SRINIVASA IYENGAR.)

or one anna. Anyway I appeal to Government that if they so consider it necessary . . .

Sri A. G. RAMACHANDRA RAO.—I shall verify.

(SRI A. BHEEMAPPA NAIK rose.)

Mr. SPEAKER.—The Hon'ble Minister may be pleased to explain any point instead of Sri Bheemappa Naik interrupting frequently. It is the duty of the portfolio Minister and there is the Chairman of the Select Committee. If necessary, he will intervene.

Sri A. BHEEMAPPA NAIK.—The portfolio Minister is not here, Sir.

Sri S. SRINIVASA IYENGAR.—I am only suggesting that if the Government found that it was so, it might be corrected. Otherwise, I appeal to Government to consider that case.

So far as the rest of the clauses are concerned, the Sales Tax Committee have taken all points into consideration and I believe the Bill as such, with these modifications, will be wholly acceptable to this House.

*ಶ್ರೀ ಎಸ್. ಸಿದ್ದಪ್ಪ (ಮಾಗಡಿ).—ಸ್ವಾಮಿ, ಈ ಬಿಲ್ಲು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಿ ನಮ್ಮ ಮುಂದೆ ಈಗ ಬಂದಿದೆ. ಈಗಿರುವ ಪ್ರಕಾರ ಇದು ಪ್ರಜಾ ಮನ್ನಣೆಗೆ ಪಾತ್ರವಾಗಿದೆ ಎಂದು ಹೇಳಿ ಈ ಸಂದರ್ಭದಲ್ಲಿ ಸಂತೋಷದಿಂದ ಹೇಳಬೇಕಾಗಿದೆ. ಏಕೆಂದರೆ, ಹೊಟೇಲ್ ಮಾಲೀಕರೂ ಮತ್ತು ವರ್ತಕ ಮಂಡಲಿಯವರೂ ಶಾಸನ ಸಭೆಯ ಸದಸ್ಯರಿಗೂ ಮತ್ತು ಸರ್ಕಾರದವರಿಗೂ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ವಿಚಾರದಲ್ಲಿ ಅವರಿಗಿರತಕ್ಕ ಕಷ್ಟ ಕಾರ್ಪಣ್ಯಗಳನ್ನು ಮನವಿ ಮಾಡಿಕೊಂಡ ಮೇಲೆ ಅವುಗಳನ್ನು ಸಾಧ್ಯವಾದ ಮಟ್ಟಿಗೂ ಪರಿಹಾರ ಮಾಡುವುದಕ್ಕೆ ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ಪ್ರಯತ್ನಪಟ್ಟು ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡಿ ಈ ಸಭೆಯ ಒಪ್ಪಿಗೆಗೆ ಇದನ್ನು ತಂದಿದ್ದಾರೆ.

ಮತ್ತು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರೂ ಕೂಡ ಈ ವಿಚಾರವನ್ನು ಕೂಲಂಕಷವಾಗಿ ಆಲೋಚಿಸಿ ವರ್ತಕ ಸಮುದಾಯಕ್ಕಿದ್ದಂಥ ಅನೇಕ ಕುಂದುಕೊರತೆಗಳನ್ನು ಸರಿಪಡಿಸಿದ್ದಾರೆ. ಇದು ಬಹಳ ಸ್ತೋತ್ರಾರ್ಹವಾದುದು. ಮತ್ತು ಹಿಂದಿನ ಬಿಲ್ಲಿನಲ್ಲಿ ಪೋಲೀಸು ಅಧಿಕಾರಿಗಳಿಗೆ ಲೆಕ್ಕ ಪತ್ರಗಳನ್ನು ಯಾವ ಸಂದರ್ಭದಲ್ಲಾದರೂ ತಮಗೆ ತೋರಿದ ಕಾಲದಲ್ಲಿ ತನಿಖೆ ಮಾಡುವ ಹೆಚ್ಚಿನ ಅಧಿಕಾರವಿತ್ತು. ಈಗ ಆ ಅಧಿಕಾರವನ್ನು ಕುಂಠಿತಮಾಡಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಪರ್ಮಿಷನ್ ಪಡೆದು ಆ ಲೆಕ್ಕ ಪತ್ರ ವಶಪಡಿಸಿಕೊಳ್ಳುವ ಒಂದು ಕಾಯಿದೆ ಮಾಡಿದ್ದಾರೆ. ಇದು ಬಹಳ ನ್ಯಾಯವಾದುದು ಮತ್ತು ಜನರಿಗೂ ಸರ್ಕಾರಕ್ಕೂ ಒಂದು ಸಮರ್ಪಕವಾದ ರೀತಿಯಲ್ಲಿ ಮಾಡಿರುವ ಒಂದು ವ್ಯವಸ್ಥೆ ಎಂದು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಹೇಳಬೇಕಾಗಿದೆ. ಏಕೆಂದರೆ, ಯಾವ ಸಂದರ್ಭದಲ್ಲಾಗಲಿ ಸರ್ಕಾರಕ್ಕೆ ಒಂದಲ್ಲ ಒಂದು ರೀತಿಯಲ್ಲಿ ದುಡಿಮೆಯ ಮೂಲಕ ಆದಾಯವನ್ನು ನೀಡುವ ವರ್ತಕ ಮಂಡಲಿಯೇನಿದೆಯೋ ಅದರ ಮೇಲೆ ನ್ಯಾಯಕ್ಕೆ ವಿರೋಧವಾಗಿ ಕಾರ್ಪಣ್ಯ ತೋರಿಸುವುದು ಸರ್ಕಾರಕ್ಕೆ ಯಾವಾಗಲೂ ಸಾಧುವಾದುದಲ್ಲ. ಇದನ್ನು ಸಮಿತಿಯವರೂ ಮತ್ತು ಸರ್ಕಾರದವರೂ ಮನಗಂಡು ಬಹಳ ಹೆಚ್ಚಿನ ಒಂದು ರೀತಿಯಲ್ಲಿ, ಅಪಾಯವಾಗದಿರುವ ರೀತಿಯಲ್ಲಿ, ಇದನ್ನು ವ್ಯವಸ್ಥೆಗೊಳಿಸಿದ್ದಾರೆ. ಸ್ವಾಮಿ, ಅನೇಕ ಪದಾರ್ಥಗಳ ಮೇಲೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ರಿಯಾಯಿತಿ ಕೂಡ ಕೊಟ್ಟಿದ್ದಾರೆ. ಇದು ಕೂಡ ಸಂತೋಷದ ವಿಚಾರ. ಸಂಸ್ಥಾನದಲ್ಲಿ ತಯಾರಾಗತಕ್ಕಂಥ ರೇಷ್ಮೆಯ ಮೇಲೆ, ಕೈಮಗ್ಗದ ಚರಕಾ ಸಿಲ್ಕಿನ ಮೇಲೆ ರಿಯಾಯಿತಿಯನ್ನು ಕೊಡಬೇಕಾದ್ದು ನ್ಯಾಯವೆಂದು ಸಮಿತಿಯವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಆದರೂ ಇದನ್ನು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಸರಿಪಡಿಸಿಲ್ಲ. ಇದನ್ನು ಮುಂದಾದರೂ ಕೂಡ ಸರಿಪಡಿಸಿ ಸುಮಾರು ಎರಡು ಲಕ್ಷ ಜನರು ಈ ಕಸಬಿನಿಂದ ಜೀವನ ಮಾಡುವ ಒಂದು ಉದ್ಯಮಕ್ಕೆ ಹೆಚ್ಚಿನ ರೀತಿಯಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಬೇಕಾದದ್ದು ಬಹಳ ಅಗತ್ಯವೆಂದು ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲ ತಿಳಿಸಬೇಕಾಗಿದೆ. ಸ್ವಾಮಿ, ಸಂಸ್ಥಾನದಲ್ಲಿ ಕೈಗಾರಿಕೆ ವ್ಯವಸ್ಥೆಗೆ ಹೆಚ್ಚಿನ ರೀತಿಯಲ್ಲಿ ಅವಕಾಶ ಕಲ್ಪಿಸಿ ತನ್ಮೂಲಕ ದೇಶದ ಆದ್ಯಂತವೂ ಈ ಕಸಬಿನಿಂದ ಜೀವನ ಕಲ್ಪಿಸಬೇಕೆಂಬ ದೊಡ್ಡ ಆಕಾಂಕ್ಷೆಯಿಂದ ಸರ್ಕಾರದವರು ಇತ್ತೀಚೆಗೆ ಡಿಸ್ಟ್ರಿಕ್ಟುಗಳಲ್ಲಿದ್ದಂಥ ಗೃಹಕೈಗಾರಿಕೆಯನ್ನು ಸಂಸ್ಥಾನಾಮುಳೆ ಕಾರ್ಯರೂಪಕ್ಕೆ ತಂದಿದ್ದಾರೆ. ಇದು ಸಂತೋಷದಾಯಕವಾದ ವಿಚಾರ. ಇಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಮುಖ್ಯವಾಗಿ ಈ ಕಸಬಿನವರಿಗೆ ಈ ತೆರಿಗೆಯ ಹೊರೆಯನ್ನು ಪರಿಹಾರ ಮಾಡುವುದು ನ್ಯಾಯವೆಂದು ಈ ಸಂದರ್ಭದಲ್ಲಿ ತಿಳಿಸಲಿಚ್ಛಿಸುತ್ತೇನೆ. ಸ್ವಾಮಿ, ಈ ಬಿಲ್ಲಿನಲ್ಲಿದ್ದಂಥ ಅನೇಕ ಕುಂದುಕೊರತೆಗಳನ್ನು ಉತ್ತಮವಾದ ರೀತಿಯಲ್ಲಿ, ವರ್ತಕರಿಗೂ ಮತ್ತು ಹೊಟೇಲು ಮಾಲೀಕರಿಗೂ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಕೊಡುವ ಯಾವುದೇ ಒಂದು ಜನಾಂಗಕ್ಕೂ ತೊಂದರೆಯಾಗದಿರುವ ರೀತಿಯಲ್ಲಿ ಈ ಬಿಲ್ಲನ್ನು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ಮತ್ತು ಸರ್ಕಾರದವರು ಏಕೀಭವಿಸಿ ಬಹಳ ವ್ಯವಸ್ಥಿತ ರೀತಿಯಲ್ಲಿ ಮಾಡಿರುವುದರಿಂದ ನಾನು ಸಮಿತಿಯವರಿಗೂ ಮತ್ತು ಸರ್ಕಾರಕ್ಕೂ ವಂದಿಸಿ, ಇರತಕ್ಕ ಕೆಲವು ಲೋಪಗಳನ್ನು ಸರಿಪಡಿಸುವುದಾಗಿ ತಿಳಿಸಿದ್ದಾರೆ, ಅವನ್ನು ಸರಿಪಡಿಸಬೇಕಾದ್ದು ಕರ್ತವ್ಯವೆಂದು ಹೇಳಿ ನನ್ನ ಭಾಷಣವನ್ನು ಇಷ್ಟಕ್ಕೇ ಮುಕ್ತಾಯಗೊಳಿಸುತ್ತೇನೆ.

ಶ್ರೀ ಎ. ಜಿ. ರಾಮಚಂದ್ರರಾವ್.—ಸ್ವಾಮಿ, ಬಹಳ ಉಗ್ರರೂಪದಲ್ಲಿ ಕಾಣುತ್ತಿದ್ದ ಬಿಲ್ಲು ಈಗ ಸೌಮ್ಯರೂಪವನ್ನು ತಾಳಿ ಎಲ್ಲರಿಗೂ ಒಪ್ಪಿತವಾಗುವ ರೀತಿಯಲ್ಲಿ ಬಂದಿರುವುದನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರೆಲ್ಲರೂ ನಿರೂಪಣೆ ಮಾಡಿದ್ದಾರೆ. ಮತ್ತು ಅವರ ಭಾಷಣಗಳಲ್ಲಿ ಅನುಕೂಲವಾಗಿರತಕ್ಕಂಥ ಹೊಸ ಸಲಹೆಗಳನ್ನು ಈ ದಿವಸ ಕೊಡುತ್ತಾ, ಇರತಕ್ಕ ಕೆಲವು ನ್ಯೂನಾತಿರಿಕ್ತಗಳನ್ನೂ ಅವರು ಹೊರಗೆಡವಿದರು. ಅದರಲ್ಲೂ ಮುಖ್ಯವಾಗಿ ಶ್ರೀ ರಾಮಯ್ಯನವರು ಮಲ್ಟಿ ಪಾಯಿಂಟ್ ಟ್ಯಾಕ್ಸ್, ಸ್ಲ್ಯಾಬ್ ಸಿಸ್ಟಂ, ಸಿಂಗಲ್ ಪಾಯಿಂಟ್ ಟ್ಯಾಕ್ಸ್ ಇವುಗಳನ್ನೆಲ್ಲಾ ಏಕೆ ಸೇರಿಸಿದೆ ಎಂದು ತೀಕ್ಷ್ಣವಾಗಿ ನೀತಿಗೆ ಸಂಬಂಧಪಟ್ಟಿರುವ ಪ್ರಶ್ನೆ ಎತ್ತಿದ್ದಾರೆ. ತಮಗೆಲ್ಲಾ ಗೊತ್ತಿರುವ ಹಾಗೆ, ಪ್ರಜಾಭಿಪ್ರಾಯಕ್ಕನುಸಾರವಾಗಿ ನಾವು ನಡೆಯಬೇಕಾದದ್ದು ಅಗತ್ಯ. ಆ ಪ್ರಜಾಭಿಪ್ರಾಯ ಅನೇಕ ರೀತಿಯಲ್ಲಿ ಈ

ಸಭೆಯಿಂದ ವ್ಯಕ್ತವಾಗಿದೆ ; ಪತ್ರಿಕೆಗಳ ಮೂಲಕ, ಪಕ್ಷಗಳ ಹೇಳಿಕೆಗಳ ಮೂಲಕ ಬಂದಿದೆ. ಅದಕ್ಕನುಸಾರವಾಗಿ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಸಮಿತಿಯ ವರದಿಯು ನಮ್ಮ ಮುಂದೆ ಬಂದಿದೆ. ಪ್ರಜಾಪ್ರತಿನಿಧಿಗಳಾದ ಮಾನ್ಯ ಸದಸ್ಯರಿಂದೊಡಗೂಡಿದ ಈ ಸಮಿತಿಯು ತೀಕ್ಷ್ಣವಾಗಿರುವ ಕಷ್ಟನಷ್ಟಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಬಂದಿರುವ ಸಲಹೆಗಳನ್ನೆಲ್ಲಾ ಕೂಲಂಕಷವಾಗಿ ಯೋಚಿಸಿ ತೀರ್ಮಾನ ಮಾಡಿದೆ,ಯಾವ ತತ್ವವನ್ನೂ ಪರಿಶೀಲಿಸದೆ ಬಿಟ್ಟಿಲ್ಲ, ಯಾವ ಅಂಶವನ್ನೂ ಕೂಡ ತಿರಸ್ಕಾರ ಮಾಡಿಲ್ಲ ಎಂದು ನಾನು ಭರವಸೆ ಕೊಡುತ್ತೇನೆ. ಸ್ಲ್ಯಾಬ್ ಸಿಸ್ಟಂ ಇರಬೇಕೆ, ಮಲ್ಟಿ ಪಾಯಿಂಟ್ ಇರಬೇಕೆ, ಸಿಂಗಲ್ ಪಾಯಿಂಟ್ ಇರಬೇಕೆ ಎಂಬುದನ್ನು ಯೋಚಿಸಿ ಅದನ್ನು ಕ್ರೋಡೀಕರಿಸಿ ಮೂರನ್ನೂ ಹಾಕಿದೆ. ಜನರಿಗೆ ತೊಂದರೆಯೂ ಆಗಬಾರದು, ಚಿಕ್ಕ ಚಿಕ್ಕ ವರ್ತಕರಿಗೆ ಯಾವ ರೀತಿಯ ತೊಂದರೆಯೂ ಆಗಬಾರದು, ಎಂದು ವಾದ ಮಾಡಿದ್ದಾರೆ. ಇದರಲ್ಲಿ ಒಂದು ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಷನಲ್ ಪ್ರಶ್ನೆಯ ತರಹದಲ್ಲಿ ಒಂದು ಪ್ರಶ್ನೆಯನ್ನು ಶ್ರೀ ರಾಮರಾಯರು ಹೊರಗೆಡವಿದರು. ಇದರಲ್ಲಿ ಒಂದು ಡಿಸ್ಕ್ರಿಮಿನೇಷನ್ ಆಗುವುದಿಲ್ಲವೇ, ಇದನ್ನು ಸಮಿತಿಯವರು ಯೋಚಿಸಿದ್ದಾರೆಯೇ ಎಂದು ಕೇಳಿದರು. ಅಗತ್ಯವಾಗಿ ಯೋಚನೆಮಾಡಿದ್ದಾರೆ. ಒಂದು ಕ್ಯಾಟಿಗರಿಗೆ ಅನ್ವಯಿಸಿ ಇನ್ನೊಂದಕ್ಕೆ ಅನ್ವಯಿಸದಿದ್ದರೆ ಆಗ ಡಿಸ್ಕ್ರಿಮಿನೇಷನ್ ; ಒಂದು ಕ್ಯಾಟಿಗರಿಯಲ್ಲಿ ಒಂದು ವರ್ಗಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಿರುವ ಪ್ರತಿಯೊಬ್ಬರಿಗೂ ಒಂದೇ ಸಮನಾಗಿರುವ ರೀತಿಯಲ್ಲಿ ನಾವು ನ್ಯಾಯ ದೊರಕಿಸಿದರೆ ಅದು ಡಿಸ್ಕ್ರಿಮಿನೇಷನ್ ಆಗುವುದಿಲ್ಲ ಎಂದು ನಿರ್ಧಾರಕ್ಕೆ ಬಂದು ಈ ಮಸೂದೆಯನ್ನು ತಕ್ಕಂತೆ ತಿದ್ದುಪಡಿ ಮಾಡಿದೆ. ಈ ದಿವಸ ಕೂಡ ಇದಕ್ಕೆ ತಿದ್ದುಪಡಿಯಿದೆ. ಡೀಲರ್ಸನ್ನೇ ಒಂದು ಕ್ಯಾಟಿಗರಿಗೆ ಹಾಕಬೇಕೆಂಬ ವಾದವಿದೆ. ಡೀಲರ್ಸ್ ಒಬ್ಬೊಬ್ಬರಿಗೆ ವ್ಯತ್ಯಾಸ ಮಾಡಿದರೆ ಡಿಸ್ಕ್ರಿಮಿನೇಷನ್, ಎಲ್ಲರಿಗೂ ಒಂದೇ ರೀತಿಯ ತತ್ವ ಪ್ರತಿಪಾದನೆ ಮಾಡುವಾಗ ವ್ಯತ್ಯಾಸವಿಲ್ಲ. ಹಾಗೆಯೇ ಹೊಟೇಲು ಕೆಲಸ ಮಾಡುವವರಿಗೆ ಒಂದು ನೀತಿ ಅನುಸರಿಸಿದರೆ ಅಥವಾ ಎಲ್ಲಾ ವರ್ತಕರಿಗೂ ಒಂದು ನೀತಿ ಅನ್ವಯಿಸಿದರೆ ಯಾವ ತಪ್ಪೂ ಆಗುವುದಿಲ್ಲ ಎಂದು ನಿರ್ಧಾರ ಮಾಡಿ ಸ್ಲ್ಯಾಬ್ ಸಿಸ್ಟಂ, ಸಿಂಗಲ್ ಪಾಯಿಂಟ್ ಮತ್ತು ಮಲ್ಟಿ ಪಾಯಿಂಟ್ ಈ ಮೂರನ್ನೂ ಸೇರಿಸಿ ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ಟೋಟಲ್ ಟರ್ನ್ ಓವರ್ ಮೇಲೆ ತೆರಿಗೆ ಹಾಕಿದ್ದಾರೆ ಎಂದು ಸೂಚಿಸಲಿಚ್ಛಿಸುತ್ತೇನೆ.

ಎರಡನೆಯದು ಕ್ಲಬ್ಬುಗಳಿಗೆ, ಸೊಸೈಟಿಗಳಿಗೆ ರಿಯಾಯಿತಿ ಕೊಡುವುದು ಸೂಕ್ತವೆ ಎಂದು ಶ್ರೀಮಾನ್ ರಾಮಯ್ಯನವರು ಪ್ರಶ್ನೆ ಮಾಡಿದರು. ಅವರು ಇದನ್ನು ಸೆಂಚುರಿ ಕ್ಲಬ್ಬನ್ನು ಜ್ಞಾಪಕದಲ್ಲಿಟ್ಟುಕೊಂಡು ಹೇಳಿರಬಹುದು. ಆದರೆ food and drinks supplied to members ಎಂದು ಸ್ಪಷ್ಟಪಡಿಸಿದೆ. ಮಸೂದೆ ಮಾಡುವಾಗಲೇ ಇದನ್ನು ಸ್ಪಷ್ಟಪಡಿಸಿ ಯಾರಿಗೂ ತೊಂದರೆಯಾಗಲಿ, ಅನ್ಯಾಯವಾಗಲಿ ಆಗದಂತೆ ಆದಷ್ಟು ಜಾಗರೂಕತೆಯಿಂದ ಇದನ್ನು ನಿರ್ಧರಿಸಿ ಮಸೂದೆಯನ್ನು ತಮ್ಮ ಮುಂದೆ ಇಡೋಣವಾಗಿದೆ.

ಶ್ರೀ ಮಾಸ್ಕರ್‌ಹಾಸ್‌ರವರು ಶ್ರೀರಾಮರಾಯರಿಗೆ ಕೆಲವು ವಿಷಯಗಳನ್ನು ಚೆನ್ನಾಗಿ ಸ್ಪಷ್ಟಪಡಿಸಿದರು. ಹೊಟೇಲು ಮಾಲೀಕರಿಗೆ 7,500 ರೂಪಾಯಿಗಳಿರುವುದಕ್ಕೆ, 10 ಸಾವಿರ ರೂಪಾಯಿಗಳಿರುವುದಕ್ಕೆ ಬೇರೆ ದರ ಇಟ್ಟಿರುವುದಕ್ಕೆ ಕಾರಣವಿದೆ, ಮಿನಿಮಂ ಲೋಯರ್ ಮಾಡಿರುವುದಕ್ಕೆ ಕಾರಣ ಎಗ್ಸೆಮ್‌ಟೆಡ್ ಲಿಸ್ಟಿಗೆ ಅನೇಕ ಸಾಮಾನು ಹೋದಾಗ 15 ಸಾವಿರ ಮತ್ತು 20 ಸಾವಿರ ವ್ಯಾಪಾರ ಮಾಡಿದರೆ 7,500 ಮಿನಿಮಂ ಬರಬಹುದು, ಹಿಂದೆ 10 ಸಾವಿರ ರೂಪಾಯಿ ಏನಿತ್ತೋ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಲಾಭ ಬರುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ, 15 ಸಾವಿರ ರೂಪಾಯಿ ವ್ಯಾಪಾರ ಮಾಡುವವರಿಗೆ ಈಗ ವಿನಾಯಿತಿ ಸಿಕ್ಕುವ ಅವಕಾಶವಿದೆ. ಆ ದೃಷ್ಟಿಯಲ್ಲಿ ಇದನ್ನು ಪರಿಶೀಲಿಸಬೇಕೆಂದು ವಿನಂತಿ ಮಾಡುತ್ತೇನೆ.

ಶ್ರೀ ಪಿ. ಆರ್. ರಾಮಯ್ಯ.—ಹೊಟೇಲಿನವರು ಸಿಹಿತಿಂಡಿ ಮಾಡಿದರೆ ಸಕ್ಕರೆಗೊಂದುಸಲ ತೆರಿಗೆ ಕೊಡುತ್ತಾರೆ, ಪುನಃ ಅವರಿಗೆ ತೆರಿಗೆ ಹಾಕುತ್ತೀರಿ.

ಶ್ರೀ ಎ. ಜಿ. ರಾಮಚಂದ್ರರಾವ್.—ಸಕ್ಕರೆಗೆ ಕೊಟ್ಟರೆ ಜಿಲೇಬಿಗೆ ಕೊಡಕೂಡದು ಎಂದು ಹೇಳುವುದು ತಪ್ಪು. ಶ್ರೀ ರಾಮರಾಯರು ಅನೇಕ ಟೆಕ್ನಿಕಲ್ ಪಾಯಿಂಟ್ಸ್ ಹೇಳಿದರು ; ಆ ವಿಚಾರದಲ್ಲಿ ವಾದ ಕೂಡ ಮಾಡಿದ್ದಾರೆ. ಅದರಲ್ಲಿ ಒಂದೆರಡು ಒಪ್ಪಿಕೊಳ್ಳಬಹುದೆಂದು ಕಾಣುತ್ತದೆ. ಅದಕ್ಕೆ ತಿದ್ದುಪಡಿ ಬಂದಾಗ ಒಪ್ಪಿಕೊಳ್ಳಬಹುದೆಂದು ಕಾಣುತ್ತದೆ ; ಬಂದಾಗ ಸರ್ಕಾರದ ಅಭಿಪ್ರಾಯವನ್ನು ಹೊರಗೆಡವುತ್ತೇವೆ.

ಆಮೇಲೆ ಮೂರನೆಯ ಷೆಡ್ಯೂಲಿನ 10ನೆಯ ಐಟಂ ವಿಚಾರ ಕ್ಲ್ಯಾರಿಫೈ ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಅದನ್ನು ಕಮಿಷನರಿಗೆ ಸೂಚಿಸಿದರೆ ಸರಿಹೋಗಬಹುದು. ಕ್ಲಾಜು 15ನ್ನು ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡ್ 198ನೆಯ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ತಿದ್ದುಪಡಿ ಮಾಡಿದರೆ ಆಗ ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ ಮತ್ತು ಲಾಯರುಗಳಿಗೂ ಮತ್ತು ಇತರರಿಗೂ ಬೇಗ ಹಿಡಿಯುತ್ತದೆ ಎಂದು ಸೂಚಿಸಿದ್ದಾರೆ. ಇದನ್ನು ಪುನಃ ನೋಡಿ ಈ ತಿದ್ದುಪಡಿಯ ಅವಶ್ಯಕತೆಯಿದ್ದರೆ, ಈ ಸಭೆ ಒಪ್ಪಿದರೆ ಪ್ರಯತ್ನ ಮಾಡೋಣ.

ಆದರೆ ಇದೇ ಕಾಲದಲ್ಲಿ (*b*) ಮತ್ತು (*d*)—ಇವೆರಡನ್ನೂ ಸೇರಿಸಬೇಕಾಗಿತ್ತು ಎಂದು ಸೂಚಿಸಿದರು. ಈ ರೀತಿ ಸೇರಿಸತಕ್ಕದ್ದು ಸೂಕ್ತವಲ್ಲ, ಅದರಿಂದ ಬೇರೆ ಅರ್ಥಬರಬಹುದು ಎಂದೆನ್ನಿಸುತ್ತದೆ. ಇದು ಯೋಚಿಸಬೇಕಾದ ವಿಚಾರ. ಮುಖ್ಯವಾಗಿ ಈಗ ತಂದಿರತಕ್ಕದ್ದು ಇಂಟಿಗ್ರೇಷನ್ನಿಗೆ ಸಂಬಂಧಿಸಿದ ವಿಚಾರ. Exempted Listಗೆ ಯಾವ ಯಾವ articles ಸೇರಿಸಬೇಕೆಂಬ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಪಟ್ಟಿ ಇದೆ. ಇದರಲ್ಲಿ ಯಾವುದನ್ನು ಸೇರಿಸಬೇಕು, ಯಾವುದನ್ನು ಸೇರಿಸಬಾರದು ಎಂಬುದನ್ನ ಸರ್ಕಾರದವರು ಯೋಚಿಸಿಸುತ್ತಾರೆ. ಸಾಮಾನ್ಯವಾಗಿ ಈಗಿರುವುದು exhaustive list ಆಗಿದೆ. ಅಕಸ್ಮಾತ್ ಒಂದೆರಡು ಬಿಟ್ಟು ಹೋಗಿದ್ದರೆ ಅದರ ಬಗ್ಗೆ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದು ಅದನ್ನು ಪುನಃ ಲೆಜಿಸ್ಲೇಟಿವ್ ಅಸೆಂಬ್ಲಿ ಮುಂದೆ ತರಬೇಕೇ ಅಥವಾ executive powers ಮೇಲೆ ಮಾಡಬಹುದೇ ಎಂಬುದನ್ನು ಯೋಚಿಸಬೇಕಾಗಿದೆ.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ತಿದ್ದುಪಡಿ ತರುವುದಾದರೆ ಅದನ್ನು ಪುನಃ ಅಸೆಂಬ್ಲಿಯ ಮುಂದೆ ತರುವುದೇ ಒಳ್ಳೆಯದು.

ಶ್ರೀ ಎ. ಜಿ. ರಾಮಚಂದ್ರರಾವ್.—ಒಂದು ವೇಳೆ ಕಾನೂನು ಮಾಡದೇ ಇದ್ದರೆ ಈ ಅಧಿಕಾರ ಇದ್ದೇ ಇದೆ ಎಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಇದರ ಬಗ್ಗೆ ಸಹ ತಾವು ಅಸೆಂಬ್ಲಿ ಸೇರಿದಾಗ ಒಂದು ತಿದ್ದುಪಡಿ ತರಲು ತಮಗೆ ಅವಕಾಶವಿದ್ದೇ ಇರುತ್ತದೆ.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ಮದ್ರಾಸಿನಲ್ಲಿಯೂ ಈ ಬಗ್ಗೆ ತಿದ್ದುಪಡಿಯೊಂದನ್ನು ತಂದು ಅದು ಎಷ್ಟು ಮಟ್ಟಿಗೆ ಸಾರ್ಥಕವಾಯಿತೆಂಬುದು ಗೊತ್ತೇ ಇದೆ.

ಶ್ರೀ ಎ. ಜಿ. ರಾಮಚಂದ್ರರಾವ್.—ಒಟ್ಟಿನಲ್ಲಿ, ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯಲ್ಲಿ ಜನಸಾಮಾನ್ಯರಿಗೆ ಹೆಚ್ಚಿನ ತೊಂದರೆ ಇಲ್ಲದಂತೆ ಆಗಬೇಕೆಂಬುದು ತಮ್ಮೆಲ್ಲರ ಅಭಿಮತ. ಅದೇ ಅಭಿಮತವೇ ಸರ್ಕಾರಕ್ಕೂ ಇದೆ. ತಾವುಗಳೆಲ್ಲ ಇದನ್ನು ಸ್ವಾಗತಿಸಿದುದಕ್ಕಾಗಿ ವಂದಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—The question is :

"That the Mysore Sales Tax (Amendment) Bill, 1954, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses. Clause 2. There is no amendment. The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. SPEAKER.—Clause 3. There are a number of amendments to clause 3. Shall we take them up tomorrow?

Several MEMBERS.—Yes, Sir.

Mr. SPEAKER.—I said that tomorrow we would have the sitting at 8-30 A.M. But there is some difficulty for us, which I do not like to disclose. We will have therefore to commence as usual at 12 NOON.

Business of the House.

Sri K. HANUMANTHAIYA (Leader of the House).— Sir, one thing I have to say. I have to bring to the notice of the House that the Mysore (Personal and Miscellaneous) Inams Abolition Bill has been amended by the Legislative Council. That is a simple amendment. That has to be approved by the House before the Bill could become law. If that amendment is not passed, the implementation of the provisions of the Bill, *i.e.*, the Act after it is assented to, will get delayed for a pretty long time. Knowing the feelings of the House as I do, that they are very particular that land reform should become an accomplished fact as soon as possible, I would request the House to devote about an hour for the consideration and adoption of that amendment, so that the Bill becomes law immediately. Therefore I suggest that tomorrow a major part of the time may be taken up by the Mysore Sales Tax (Amendment) Bill, 1954 and about an hour may be set apart for consideration of the amendment adopted by the Legislative Council to the (Personal and Miscellaneous) Inams Abolition Bill.

Mr. SPEAKER.—That I did not know. That is all right. Supposing this House wants a little more time to consider that amendment ; in that case it may become necessary for us to sit for a day more. But that depends upon the nature of the amendment. I do not know what that amendment is.

Sri L. SIDDAPPA (Channagiri).—Will the Session be extended by a day then ?

Mr. SPEAKER.—Under any circumstance, the Session will be over tomorrow. Duration of time depends upon the discussion. Anyhow we will have to sit tomorrow at 12 NOON instead of at 8-30 A.M.

Now the subject-matter of Question No. 999 may be taken up for debate.

A MEMBER.—Sir, it is not yet Five.

(SRI M. LINGANNA rose).

Mr. SPEAKER.—Yes, it is not yet Five of the Clock. The Minister concerned said that he would be coming here at Five. He thought evidently that discussion would not be over before 5 P.M. So, the Hon'ble Member Sri Linganna may wait for some time. Meanwhile, a question has arisen. Sri M. Linganna was saying something against the Report of the Select Committee of which he was a member and he has signed the Report. Of course, he is at liberty to differ from the views he had expressed in the Select Committee. The only question is, he has signed the Report only on the 14th of this month.

(The Minister for Agriculture then entered the Hall.)

Mr. SPEAKER.—Now debate on the subject-matter of Question No. 999.